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PROCEEDINGS

OF THE

MASSACHUSETTS HISTORICAL SOCIETY.

MARCH MEETING, 1902.

THE stated meeting was held on Thursday, the 13th instant, at three o'clock, P. M. ; the President, CHARLES FRANCIS ADAMS, LL.D., in the chair.

After the reading of the record of the last meeting and reports from the Librarian and the Corresponding Secretary, the following committees were appointed to report at the Annual Meeting: To nominate officers, Messrs. James Schouler, Solomon Lincoln, and A. Lawrence Lowell; to examine the Treasurer's accounts, Messrs. Arthur Lord and James F. Hunnewell; to examine the Library and Cabinet, Messrs. Morton Dexter, James De Normandie, and S. Lothrop Thorndike.

The President then said: —

It is my ill fortune on this occasion to announce no less than three names stricken by death from our rolls. The first is that of Samuel Rawson Gardiner, prominent on our list for twenty-eight years, — since the November meeting of 1874. Then chosen a Corresponding Member, in 1896 he was transferred to the Honorary roll. He stood fifth on that list at the time of his death, the 23d of February. The other two names are both those of Resident Members: James B. Thayer, whose election into the Society dated back to the 10th of October, 1889, died on the 14th of February, and Uriel Haskell Crocker on the 8th of this month. Mr. Crocker became a member five years earlier than Professor Thayer, on the 14th of February, 1884.

The Honorary Roll of the Society is, by the death of Mr. Gardiner, reduced to seven names. His is the second stricken from it during the current Society year, the death of Bishop Stubbs having been announced by me at our meeting in May last.

It was not customary formerly, except in very exceptional cases, to take notice of the death of either an Honorary or a Corresponding member. Under the rule now in vogue covering the selection of Honorary Members, a different practice in this respect will naturally result. The Honorary list now is composed of those who are counted as distinct and individual luminaries of the first class in what may be called the historic planetary system. When one of them dies, it is as if a bright light were extinguished. In the case of Mr. Gardiner, it is so unquestionably. Of the highest order of historical composition known to our time, his work was unique. I think I may safely say that, among historical writers in the English tongue, he has not left his peer behind.

As respects Mr. Gardiner in this historical aspect, the Society will presently hear from others far more competent to speak than I. It devolves on me only to announce his death.

Though members of the Society respectively for thirteen and eighteen years, neither Professor Thayer nor Mr. Crocker had ever taken a conspicuous or active part in our proceedings. Both were constant attendants at our meetings, and it was a satisfaction to see them; but, with the exception of the tribute to his former law partner, George O. Shattuck, I am not aware that Professor Thayer ever contributed anything to our printed record. He became a member of the Council at the election of 1900, and was re-elected at our last Annual Meeting. As one of the Council, he ever showed that excellence of judgment and kindness of disposition, not without a strong infusion of character and self-understanding, which distinguished him, I may fairly say, in all the walks of life. His presence there, as here, will be greatly missed.

Though in his membership antedating Professor Thayer by five years, Mr. Crocker had been even less a participant in our activities. A somewhat constant attendant at our meetings, he was a silent one. He never served upon the Council. A conveyancer by profession, his election to the Society was due to the high opinion entertained by the late Charles Deane of

the extent and accuracy of his knowledge upon points of antiquarian interest connected with Boston realty. He did at one time design to furnish us a paper on the handwriting of the seventeenth century, a subject in regard to which he was peculiarly competent to reach conclusions; but the purpose was not carried out. In 1898 he made to our Proceedings a short contribution on "William Aspinwall and the Book of Possessions." Outside of the Society, he contributed to the "American Law Review" of October, 1875, a curious conveyancer's tale, entitled "The History of a Title; a Conveyancer's Romance." He also published "Notes on Common Forms," and "Notes on the General Statutes of Massachusetts," both works of a purely legal character. At one period he took much interest in economic questions, writing two treatises, one upon the "Cause of Hard Times," the other upon the tendency during such times to excessive saving, to which tendency he attributed much of the prevailing commercial distress. It is almost needless for me to add that his views on this subject did not meet with general acceptance. They were by many, who had made a study of economic and financial subjects, considered paradoxical. Apart from his specialty of conveyancing, I am not aware that Mr. Crocker had paid any considerable degree of attention to historical studies.

Mr. JAMES F. RHODES, having been called on, read the following paper: —

I count it a privilege to speak in this Society to the memory of Samuel Rawson Gardiner. In making him an Honorary Member we honored ourselves. Who of the historians that have wrought during the past forty years better represents what this Society stands for? He was thorough in his investigation. He spared no labor and pains to get at the truth. It may well enough be true that the designedly untruthful historian, like the undevout astronomer, is an anomaly. Inaccuracy comes not from purpose but from neglect. Now Gardiner went to the bottom of things, and was not satisfied until he had compassed all the material within his reach. As a matter of course he read many languages. Whether his facts were in Spanish, Italian, French, German, Dutch, Swedish, or English made apparently no difference. Nor did he stop at what was

in plain language. He read a diary written chiefly in symbols and many letters in cipher. A large part of his material was in manuscript. We all know the greater labor entailed in drawing from the written instead of the printed page. As one reads the prefaces to his various volumes and his footnotes, amazement is the word to express the feeling that a man could have accomplished so much in forty-seven years. One feels that there is no one-sided use of any material. The Spanish, the Venetian, the French, the Dutch, nowhere displaces the English. In Froude's "Elizabeth" you get the impression that the Simancas MSS. furnish a disproportionate basis of the narrative; in Ranke's "England," that the story is made up too much from the Venetian archives. Gardiner himself copied many Simancas MSS. in Spain, and he studied the archives in Venice, Paris, Brussels, and Rome; but these and all the other great mass of foreign material are kept adjunctive to that found in his own land. In writing me once touching a matter on which he thought some documents in New England might throw light, he speaks of the "stores of material in the Massachusetts Historical Society's publications." In the first volume of the "History of the Commonwealth" he quotes from the Hutchinson Papers of the Prince Society;¹ and he knew his "John Winthrop" well.² My impression from a study of his volumes is that more than half of his material is in manuscript, but because he has a mass of matter which no one else had ever used he does not neglect the printed pages open to every one. "To form a judgment on the character and aims of Cromwell," he writes, "it is absolutely necessary to take Carlyle's monumental work as a starting-point";³ but distrusting Carlyle's printed transcripts, he goes back to the original speeches and letters themselves. Carlyle, he says, "amends the text without warning" in many places; these emendations Gardiner corrects, and out of the abundance of his learning he stops a moment to show how Carlyle has misled the learned Dr. Murray in attributing to Cromwell the use of the word "communicative" in its modern meaning, when it was on the contrary employed in what is now an obsolete sense.⁴

¹ P. 328, n. 4.

² History, vol. viii. p. 153 *et seq.*

³ History of the Great Civil War, vol. i. p. viii.

⁴ Commonwealth, vol. iii. p. 27.

Gardiner's great work is the History of England from 1603 to 1656. In the revised editions there are ten volumes called History of England from the Accession of James I. to the Outbreak of the Great Civil War, and four volumes on the Great Civil War. Since this revision he has published three volumes on the History of the Commonwealth and the Protectorate. He is also the author of many smaller volumes; was a contributor to the "Encyclopædia Britannica" and the "Dictionary of National Biography," and for ten years was editor-in-chief of the "English Historical Review."

I know not which is the more remarkable,—the learning, accuracy, and diligence of the man or, withal, his modesty. With his great store of knowledge the very truthfulness of his soul impels him to be forward in admitting his own mistakes. Lowell said in 1878 that Darwin was "almost the only perfectly disinterested lover of truth" he had ever encountered. Had Lowell known the historian as we know him to-day, he would have placed Gardiner upon the same elevation. In the preface to the revised ten-volume edition he alludes to the "defects" of his work. "Much material," he wrote, "has accumulated since the early volumes were published, and my own point of view is not quite the same as it was when I started with the first years of James I."¹ The most important contribution to this portion of his period had been Spedding's edition of Bacon's Letters and Life. In a note to page 208 of his second volume he tells how Spedding's arguments have caused him to modify some of his statements, although the two regard the history of the seventeenth century differently. Writing this soon after the death of Spedding, to which he refers as "the loss of one whose mind was so acute and whose nature was so patient and kindly," he adds, "It was a true pleasure to have one's statements and arguments exposed to the testing fire of his hostile criticism." Having pointed out later some inaccuracies in the work of Professor Masson, he accuses himself. "I have little doubt," he writes, "that if my work was subjected to as careful a revision it would yield a far greater crop of errors."²

Gardiner was born in 1829. Soon after he was twenty-six years old he conceived the idea of writing the history of

¹ History, vol. i. p. v.

² *Ibid.*, vol. ix. p. viii.

England from the accession of James I. to the Restoration of Charles II. It was a noble conception, but his means were small. Having married the youngest daughter of Edward Irving,¹ the enthusiastic founder of the Catholic Apostolic Church, he became an Irvingite. Because he was an Irvingite his University, — he was a son of Oxford, — so it is commonly said, would give him no position whereby he might gain his living. Nevertheless Gardiner studied and toiled, and in 1863 published two volumes entitled “History of England from the Accession of James I. to the Disgrace of Chief Justice Coke.” Of this work, as Mr. Gardiner told me himself, only one hundred and forty copies were sold. Still he struggled on. In 1869 two volumes called “Prince Charles and the Spanish Marriage” were published and sold five hundred copies. Six years later appeared two volumes entitled the “History of England under the Duke of Buckingham and Charles I.” This instalment paid expenses, but no profit. One is reminded of what Carlyle said about the money rewards of literary men in England. “Homer’s Iliad,” he wrote, “would have brought the author, had he offered it to Mr. Murray on the half-profit system, say five-and-twenty guineas. The Prophecies of Isaiah would have made a small article in a review which . . . could cheerfully enough have remunerated him with a five-pound note.” The first book from which Gardiner received any money was a little volume for the “Epochs of Modern History Series” on “The Thirty Years’ War,” published in 1874. Two more instalments of the History appearing in 1877 and 1881 made up the first edition of what is now our ten-volume history, but in the mean time some of the volumes went out of print. It was not until 1883, the year of the publication of the revised edition, that the value of his labors was generally recognized. During this twenty-eight years, from the age of twenty-six to fifty-four, Gardiner had his living to earn. He might have recalled the remark made I think by either Goldsmith or Lamb, that the books which will live are not those by which we ourselves can live. Therefore Gardiner got his bread by teaching. He became a professor in King’s College, London. He lectured on history for the London Society for the Extension of University Teaching, having large audiences all over London and being well appreciated in the East End. He wrote school books on history. Finally

¹ His first wife.

success came, twenty-eight years after his glorious conception, twenty years after the publication of his first volume. He had had a hard struggle for a living with money coming in by dribs and drabs. Bread won in such a way is come by hard, but he remained true to his ideal. His pot-boilers were good and honest books; his brief history of the Thirty Years' War has received the praise of scholars. Appreciation brought him pecuniary rewards. In 1882 Gladstone bestowed upon him a Civil List Pension of £150 a year. Two years later All Souls College, Oxford, elected him to a research fellowship; when this expired, Merton made him a fellow. Academic honors came late. Not until 1884, when he was fifty-five, did he take his degree of M.A. Edinburgh conferred upon him an LL.D. and Göttingen a Ph.D., but he was sixty-six when he received the coveted D.C.L. from his own University. The year previous Mr. Bryce on behalf of Lord Rosebery had asked him if he would accept the Regius Professorship of History at Oxford. Gardiner declined it because he would not relinquish his great work, which obliged him to be near the British Museum. I rejoice that nine years before he was appreciated generally in England this Society elected him a Corresponding Member (1874). His acknowledgment of this may be seen on the titlepage of the first ten volumes of the revised edition.

My personal acquaintance with Mr. Gardiner was slight. In 1895, being introduced by letters from this country, I called upon him at the British Museum, and sitting on a wooden bench in one of the outer halls, we talked together for half an hour. Certainly I have never seen a more honest face. It has the same quality that looks out from the pictures of Darwin. I told him that Macaulay's idea of Wentworth [Strafford] and Laud had sunk deeply into my mind, and his portrayal of them was a revelation. Never shall I forget the smile that spread over his great homely face as he declared with enthusiastic earnestness, "They were indeed honest men." With kindness he spoke of the imperfections of Macaulay, of his meagre study of the original materials relating to Wentworth and Laud, but he left me the impression that he admired greatly that historian who charmed those of us who were reading history thirty-five years ago. I thought of Gardiner's charity; for among historical scholars in England those who loved Stubbs and

Gardiner seemed to have but a single idea of Macaulay,—that he was a prejudiced partisan who would not own up when he was shown to be wrong. In 1899 I saw Mr. Gardiner again. We took luncheon together and had a tête-à-tête conversation of two hours. It was then that he told me about the sale of his earlier volumes. We talked of Froude. He spoke of the inaccuracy of his translations from the Simancas MSS. Yet he went on to say Froude meant to be truthful, but he had always some idea in his head which he desired to prove. I was glad to find Gardiner an admirer of John Richard Green. Even sometimes, he said, when Green's details were inexact, as in his account of the Thirty Years' War, the general impression which one gets from it is true. The slight glimpses I had of Gardiner confirmed me in the impression which I had gathered from his books and from common friends, that he had a gentle, kind nature and was the embodiment of truth. He told me of his manner of labor. He was then living at Sevenoaks, whence it took him about an hour to reach the British Museum, where he did his work. He labored on his history from eleven o'clock to half-past four with an intermission of half an hour for luncheon. He did not dictate to a stenographer, but wrote everything out. As Mr. Firth has told me, he was totally unaccustomed to collaboration and never employed a secretary or assistant of any kind. In the evening—I am now following Mr. Gardiner's conversation—he did no serious labor; he attended to his correspondence or read a novel. Thus he worked five hours daily. What a brain and what a splendid training he had given himself to accomplish such results in so short a working day! From 1895 to 1900 we carried on a desultory correspondence. He did me the honor to read my volumes, and the kind words he sent me across the sea were very grateful as I looked upon him as the greatest living master of our profession who wrote in English. He sent me his volumes as they appeared from time to time, and I read every word of them. His last volume was published in 1901 and my copy reached me March 1st. Before he received my letter which told of the delight and instruction I had received from it, he had the paralytic seizure that terminated in his death the 23d of February last. His mind was not affected, and Mrs. Gardiner read my letter to him and he sent me by her pen his last kind word.

As the newspapers have recently been full of the discussion as to who sympathized with us during our Spanish War, an extract from a letter of Mr. Gardiner written April 2, 1898, twenty days before the Congressional resolution that was a virtual declaration of war, may be interesting. "May I," he wrote, "add a word of sympathy with your nation in the present crisis. I do not think that there is any division of opinion here on that head."

In the preface to his first volume of the "History of the Commonwealth," published in 1894, Gardiner said that he was "entering upon the third and last stage of a task the accomplishment of which seemed to me many years ago to be within the bounds of possibility." One more volume bringing the history down to the death of Cromwell would have completed the work, and then Mr. Charles H. Firth, a Corresponding Member of this Society, was to take up the story. Firth will now probably begin his history in 1656. Gardiner's mantle has fallen on worthy shoulders.

Where historical scholars congregate in England and America Gardiner is highly esteemed. But the critics must have their day. They cannot attack him for lack of diligence and accuracy, which according to Gibbon, the master of us all, are the prime requisites of an historian, but they assert he was deficient in literary style, he had no dramatic power, his history is not interesting and will not live. Gardiner is the product solely of the university and the library. You may visualize him at Oxford, in the British Museum, or at work in the archives on the Continent, but of affairs and of society by personal contact he knew nothing. In short, he was not a man of the world, and the histories must be written, so these critics aver, by those who have an actual knowledge by experience of their fellowmen. It is profitable to examine these dicta by the light of concrete examples. Froude saw much of society and was a man of the world. He wrote six volumes on the reign of Elizabeth, from which we get the distinct impression that the dominant characteristics of Elizabeth were meanness, vacillation, selfishness, and cruelty. Gardiner in an introductory chapter of forty-three pages restores to us the great queen of Shakespeare who brought upon her land "a thousand, thousand blessings." She loved her people well, he writes, and ruled them wisely. She "cleared the way for liberty, though she

understood it not.”¹ Elsewhere he speaks of “her high spirit and enlightened judgment.”² The writer who has spent his life in the library among dusty archives estimates the great ruler more correctly than the man of the world. We all know Macaulay, — a member of parliament, a member of the supreme council of India, a cabinet minister, an historian of great merit, a brilliant man of letters. In such an one, according to the principles laid down by these critics, we should expect to find a supreme judge of men. Macaulay, in his essays and the first chapter of his History, painted Wentworth and Laud in the very blackest of colors, which “had burned themselves into the heart of the people of England.” Gardiner came. Wentworth and Laud, he wrote, were controlled by a “noble ambition” which was “not stained with personal selfishness or greed.”³ “England may well be proud of possessing in Wentworth a nobler if a less practical statesman than Richelieu of the type to which the great Cardinal belonged.”⁴ Again Wentworth was “the high-minded, masterful statesman erring gravely through defect of temper and knowledge.”⁵ From Macaulay we carry away the impression that Wentworth was very wicked and that Cromwell was very good. Gardiner loved Cromwell not less than did Macaulay but thus he speaks of his government: “Step by step the Government of the Commonwealth was compelled . . . to rule by means which everyone of its members would have condemned if they had been employed by Charles or Wentworth.” Is it not a triumph for the bookish man that in his estimate of Wentworth and Laud he has with him the consensus of the historical scholars of England !

What a change there has been in English opinion of Cromwell in the last half-century ! Unquestionably that is due to Carlyle more than to any other one man, but there might have been a reaction from the conception of the hero worshipper had it not been supported and somewhat modified by so careful and impartial a student as Gardiner.

The alteration of sentiment about Wentworth and Laud is principally due to Gardiner, that of Cromwell in part. These are two of the striking results, but they are only two of many things we see differently because of the single-minded devotion

¹ *History*, vol. i. p. 43.

² *Ibid.*, vol. viii. p. 36.

³ *Ibid.*, vol. viii. p. 67.

⁴ *Ibid.*, p. 215.

⁵ *Ibid.*, vol. ix. p. 229.

of this great historian. We know the history of England from 1603 to 1656 better than we do that of any other period of the world; and this we owe mainly to Samuel Rawson Gardiner.

Mr. EDWARD CHANNING spoke substantially as follows:—

Professor Gardiner was a prodigious worker. He printed in all some thirty volumes. Of these a few were educational works, as his "Student's History of England," which marked out new lines of development of historical text-books, both in mode of treatment and in illustration. Another work of this class is his "Thirty Years' War," in the "Epochs of Modern History Series"; it was a standard book twenty-five years ago, it is still in every-day use. A third work belonging to the class of educational books is his "Select Documents illustrating the Puritan Rebellion"; his introduction to these documents is the best compendious constitutional statement of the Puritan movement in existence. Among minor works is his "What Gunpowder Plot really was," — a controversial book written in answer to Gerard's "What was Gunpowder Plot?" "Cromwell's Place in History," comprising the substance of lectures, may well be classed among controversial works, because in it Mr. Gardiner sought to show that "Cromwell was the greatest, because the most typical of Englishmen." Besides writing books, he wrote numerous introductions, as that to the "Verney Papers" in the "Camden Society Series," and articles dealing with single episodes in the "English Historical Review," and elsewhere, as the remarkable article on Glamorgan in the "Review" for October, 1887. These books, introductions, and articles were all by-products of his great work on the History of England, from the accession of the first Stuart to the end of the Puritan supremacy. Of this work seventeen superb volumes were published, when death put an end to his wonderful career.

To understand Gardiner's stupendous industry, one must try to realize that he labored alone, writing everything with his own hand. He visited storehouses of documents: archives in foreign cities, and manor houses of historic English families. Thousands of documents which he consulted in manuscript have since been printed. The printed mass alone is sufficient

to daunt all save the most earnest student. Mr. Gardiner abstracted and extracted, returned to his home and set to work to study his materials and write the chapter or volume in hand.

The modern historical writer often makes use of what are sometimes termed "helps." He employs stenographers, typewriters, secretaries, and assistants, sometimes he even employs others to write portions of his text, and in one instance at least declines to point out which portions of the book were written by the unknown assistant, which by himself. Professor Gardiner, like Justin Winsor, worked in a very different way. He was his own secretary, assistant, and stenographer. Other men, as our Corresponding Member Mr. Firth, by their researches aided Mr. Gardiner, but the responsibility for his great work was almost entirely his. And that is the reason why it is regarded by students almost in the light of a "source." For my part, when Mr. Gardiner gives us the result of his examination of twenty sources of information on one subject, I would rather stake an argument on his conclusion than on my own examination of the five or ten documents within reach.

It is sometimes said that Gardiner's work will not live. The best answer to such a statement was made by a former student, who chanced to visit me a few evenings ago. On being asked what large works he had perused on the Tudor and Stuart periods, he said that Gardiner's History was the only long connected work which he could claim to have read through. The natural inquiry was at once made as to Froude and Macaulay. But the answer was no less prompt. Yes, he had read in Froude and Macaulay. They were interesting, as was the current historical novel; but Gardiner gave one a knowledge of the actualities, and after all that was what one read histories to get. So he had abandoned Macaulay and had read Gardiner, and had found him absorbingly interesting. And in the next few years he will give Gardiner's interpretation of a phase of the first half of the seventeenth century to hundreds of eager, earnest students. For many years to come countless readers will seek Gardiner's works for the same reason,—a disgust of the historical romance and a desire to know the truth.

A few years ago it chanced to be my fortune to study for a

few weeks in the British Museum. The problems which interested me were in part those which interested Professor Gardiner. It was my privilege to ask him his opinion on several matters, and to sit not far from him as he worked. And there was his workshop in that hive of industry, the Reading Room of the British Museum, in the midst of seekers of all sorts and conditions. One strange figure was a man without stockings and trousers reaching only part way to his shoes. He was a living experiment, trying in his own person the effect of diets of different sorts; at that moment it was said to be Indian corn. One was irresistibly reminded of Carlyle's description of the Reading Room as the place to which unsound persons were daily consigned for safe keeping by their relatives. Another curious personage recalled that other "reader" who annoyed Carlyle by persistently and regularly blowing his nose every thirty minutes. Yet on Mr. Gardiner wrought day after day as placidly and gainfully as few men work in the seclusion of their studies. To have been near him was an inspiration; to connect one's name with his in any fashion is a distinction.

Mr. JOHN C. GRAY read a tribute to his late associate in the Harvard Law School, Mr. James B. Thayer, as follows:—

The death of James Bradley Thayer will be widely felt.

Few men had more or warmer friends. I have often thought of him as an ideal New Englander. With all the good qualities of the race, he was without the angularity of mind or character which sometimes accompany them. Of perfect good breeding, there was no company to which he was not a welcome addition. He had a breadth of nature difficult to describe, but impossible not to feel.

He had much public spirit, and threw himself with zeal into those philanthropic movements which attracted him. Some of us thought that he was at times called upon to do more than could be fairly asked from him; but he himself never measured the time nor counted the cost.

For nearly thirty years he was professor in the Harvard Law School. He published two collections of cases, one on "Constitutional Law" in two large volumes, and one on "Evidence" in one volume of equal size, both of great excellence; the

latter, it is safe to say, is the most successful of the numerous collections of authorities that have been published in the Harvard Law School during the last quarter of the nineteenth century. It is used all over the country.

It will be at another time and in another place that his long line of pupils will tell what they owe to him ; to me who may have the honor to succeed him, the aid to be derived from his work is incalculable.

But it is appropriate that I should speak here especially of his historical labors, and it was his historical work that he loved the best. Its bulk is not large. Mr. Thayer was fastidious, not in judging what others had done, for he was a generous and kindly critic, but in passing upon his own work. To discover or verify a fact which might make his material more complete, to arrange and rearrange that material so that its expression might be more perspicuous, no time or trouble seemed to him too great. But though the pages which he wrote cut no great figure when measured by the base modern standard of so many thousands of words, their quality is high.

The law of evidence is the most characteristic feature of the common law ; no part of the law has reacted so strongly upon the English race. In the love of facts, and in the desire of getting those facts at first hand, which distinguish us, the common law of evidence has played a considerable part. Every one knew in a general way that our law of evidence was the offspring of the jury, but only in a general way. Here was Mr. Thayer's good fortune. There was a new country to be discovered, he seized the opportunity, and in the essays afterwards collected, revised, and published in his "Preliminary Treatise on the Law of Evidence," he worked out not only the general lines but the details of the subject in a masterly manner which ultimately satisfied that severest of judges, himself, and gave him a distinguished place among those eminent jurists whose contributions to legal history have illustrated the closing years of the last century.

Mr. S. LOTHROP THORNDIKE, a classmate and life-long friend of Mr. Thayer, read the following paper :—

Mr. President, — When I received your request to say as a friend something about Thayer, my first thought was, of how

many I was but one who could speak of him from that standpoint. Since his death, less than four weeks ago, words have already been spoken about him in various circles of companionship, and every word has sounded the note of personal regard and affection. Whatever can be said now must seem a mere echo of the voices of others.

Yet it must be in that way that I speak, if at all. Our paths in practical life did not lie together. I was never associated with him in a cause, and of his great work as a teacher and his high place among jurists I have only the same means of judging as any one else who has mere scraps and driblets of what may be called the scholarship of the law.

But of Thayer as a man, as a dear friend, a genial comrade, as one whose daily life was an example and his intimacy an education, I may claim a right to speak,—a right founded on a half century of regard and esteem and a quarter century of familiar companionship. During the latter period we were neighbors in Cambridge, we belonged to the same clubs and societies,—four or five of them,—and I was often his guest at his quiet and delightful summer home at Bar Harbor. My recollection of all this time it would not be worth while to try to detail. There would be no remarkable events to recall. It would only be the story of books interchanged or books read together, of walks and drives at Mount Desert, of long talks about the events of the day, the friends we had known, the things we had read, the thousand and one matters of the moment. But out of it all comes the memory of the most lovable man whom it was ever my fortune to know,—one in whom to the qualities which make men attractive, sweetness of disposition, nobility of character, dignity of presence, cordiality of manner, thoughtful kindness, there was added the indefinable something which is oftener attributed to women than to men,—charm.

I made my first acquaintance with Thayer when we entered college in 1848. Of his earlier years in Northampton one gets a passing glance in his excellent sketch of Chauncey Wright, his schoolmate, afterward our classmate, and I have sometimes heard him speak of the pleasant river town, as yet untrodden by the march of improvement. In his life of Wright he is careful to mention an admirable teacher of theirs,—his kindly influence and wise and original methods of instruction; but I

fancy that Thayer's college fitting was mainly his own work, with little aid from without.

In college he was, as throughout life, a diligent student; but as he was obliged to eke out his slender means by much teaching, his class rank was not exceptional. His chosen companions were always of the best. I especially associate him in my recollection with men who afterward became of note in various positions, — the two Choates, Gurney, Wright, Darwin Ware, and William Robert Ware. His wit and humor, clean-minded at a time when vulgarity was sometimes mistaken for wit, — college boys were three years younger then than now, — made him the most attractive man of the class, and his sweetness of disposition made him the best beloved.

I must not pause to speak of his years of law study, which had to be broken by intervals of teaching, or of his useful career of fifteen or twenty years as a lawyer in active practice. But of this period some phases must be noted. One was his long residence in Milton, from which resulted some of his most cherished friendships. Another was his marriage with Sophia Ripley, a union of rare felicity followed by more than forty years of such domestic happiness as I must not try to depict, and by the growth of a family at all times an unfailing source of pleasure and of pride. This marriage with the granddaughter of Dr. Ezra Ripley, the minister of Concord fame, and the daughter of the Samuel Ripley of whom Thayer afterward wrote, at Judge Hoar's suggestion, the charming sketch so well worth reading, brought him into that close connection with Emerson and the other Concord notables which was such a feature of his later life.

In this period, moreover, appear the first manifestations of that literary bent of which all Thayer's eulogists have spoken. His printed writings, outside of the law, were not, either at this or any later time, great in number or extent, but they all showed the deftness and fineness of his literary touch. Even his legal works could not have been written by any other than a man of letters. His English was almost faultless, his choice and command of words admirable, and his sentences all seemed to begin and to end as they ought. This is also true of his conversation and of his somewhat infrequent public speech. He was certainly not in the popular sense an orator, and I think that he did n't much like to be called upon for a speech. But

once on his legs he spoke in clean-cut sentences and bright and apt words. So in conversation. One of our associates, who has presented in another place a most thoughtful and appreciative tribute to his memory, spoke of his readiness to take upon his shoulders the burden of a conversation. I should n't have said just that. I never happened to hear Thayer do or try to do just that. But in the give and take of ordinary talk, or of high talk, he had few equals. He always took his fair share of listening as well as talking, and when he did speak it was always with the same unconscious ease, the same happy choice of words, and the same felicity of stating just what he meant, and not something else, which mark his writing.

I must not pause to speak of the course of events which led Thayer, after he had been offered and had declined a literary chair at Harvard, aside not only from the pleasant paths of letters, but from the practice of his profession, into the pursuit of the law upon its academic side. Of what in his later years he accomplished as the teacher and critic of students and the critic and teacher of judges, Professor Gray has already spoken.

I have already overstepped the limit of the few words allotted me; but I must say a word or two to explain, perhaps to modify, what I have said about his amiable disposition. His temper was not at all of that saccharine quality which is never sharp. His standard of what a man ought to be and think and do, whether in public or private life, was so high and fine that he was apt to be impatient of short-comings, and very plain-spoken about them. For whatever seemed to him vulgar or self-seeking or disingenuous or pretentious he had little charity. The word "cheap" was a favorite with him, and was made to cover a multitude of sins. I have sometimes been amused to imagine how certain persons who were quite self-satisfied would be astonished at hearing themselves described by him as "cheap." He was equally impatient of sloppiness of thought or speech, and it has seemed to me that many judges who have perhaps read some of his personal remarks in his law writings must have heartily wished that they could commit him for contempt, and that there must have been many negligent students in his classes who did n't find his comments upon their work quite agreeable. I sometimes thought him needlessly severe in his judgment of others. He would not, I am sure, blame me for finding this fault, if it was a fault, for he was himself con-

scientiously careful in speaking or writing about his dearest friends, alive or dead, not to hide imperfections or bestow undiscriminating praise.

Let me add a word about his domestic life. His housekeeping was as modest and unpretentious as himself, but his hospitality was unbounded. This had, of course, its amplest opportunity at Bar Harbor. Every inch of his pleasant house was always full during the whole summer, and the people that one met there were always people worth knowing. Perhaps it would be some wandering man of letters or the law, perhaps some favorite clergyman whom he had invited for the weekly service in the little Unitarian church, perhaps Booker Washington. Outside his own circle he associated so freely and kindly with all sorts and conditions of men, that one would hardly suspect how almost fastidious he was about the people that he really liked to have near him. They must be persons whose tastes, sympathies, habits of thought rang somehow in accord with his own. This may be understood by what I have already said of his judgment of "cheap" people.

But this fastidiousness did not in the least affect his pleasant relations with the grand society by which at Mount Desert he was surrounded. His modest house had rich men's houses all about it. He used to tell with amusement of overhearing a tourist guide say, as he passed it, "Now here is a house of a man of moderate means." The relation of the houses was somehow significant of the relation of the owners. Thayer no more realized what some of his neighbors might consider social distinction than he realized his own true distinction. If his grand neighbors recognized the latter, as they often did, he accepted the recognition with unconscious ease, never aspiring to the other.

There are many other aspects in which it would be pleasant to speak of Thayer, if this were a time for a full memoir. One would be his citizenship, in which he was as conscientious as in any daily duty. He did his own thinking, and his question upon any proposed measure, whether of the nation, the State, or the city, was whether it was the right thing, not what party or what man had launched it. His thinking often found words in a brilliant newspaper article, or in earnest conference with the men whose habit of thought was like his own. He could never have been a politician, in the ordinary sense, and

could never, even if his busy life had not prevented, have gone into politics to advance the interests of any party or any individual, least of all himself.

Another topic might be his religion. He told me that once in his boyhood, in Calvinistic surroundings, he went, or thought he went, through the mental process of "experiencing religion." As I knew him, he was troubled by no such experiences. His religion was a part of him, like his conscience, not disturbed by dogmas or forms, and not very patient of what Bishop Brooks once called "the fluttering frivolities of an effete mediævalism." I asked him once what was his notion of the hereafter, and he answered, "I don't know the what or the how, but I believe that somehow it will be all right." We too may well believe that it is all right with Thayer.

Mr. GAMALIEL BRADFORD related an interesting anecdote of his early acquaintance with Mr. Thayer, who was precisely of his own age, both having been born on the same day.

Rev. Dr. Alexander V. G. Allen was appointed to write the memoir of the late Horace E. Scudder for publication in the Proceedings; Mr. Thorndike the memoir of Mr. Thayer, and Mr. Henry G. Denny the memoir of Mr. Crocker.

Mr. BARRETT WENDELL read some informal memoranda concerning the Empress Eugénie, kindly lent him by a lady who was at one time a member of the Empress's household in England.

Mr. Wendell added: Some weeks ago, my colleague, Professor John Hays Gardiner, of Harvard College, received from Mr. Gardiner Stewart, of New York, a letter concerning certain old papers in Mr. Stewart's possession. Some of these relate to the affairs of the Gardiner family; the others, which I bring here to-day, seem perhaps of more general interest; all are said to have belonged to Governor Hancock, and to bear indorsements in his handwriting. In a letter to Professor Gardiner, of February 19, 1902, Mr. Stewart writes: "The pencil memorandum on the back of [each paper] is in my father's handwriting. . . . My father, Thomas J. Stewart, who died some years ago, received [the papers] from his father, Thomas Stewart, who personally knew John Hancock. They must have been in our possession seventy-five years or more."

At the suggestion of Professor Gardiner, Mr. Stewart has authorized me to present to the Massachusetts Historical Society, in his name, the following papers, which record certain details in the local history of Massachusetts:—

1. Copy of Statement of William Jackson, accused of misappropriating, during the Siege of Boston, goods belonging to Cyrus Baldwin, a patriot absentee. Dated, 12 June, 1776.
2. Copy of a letter to Beriah Norton, concerning illicit trade. Dated, 30 August, 1782.
3. Copy of a Proposition to the French Consul at Boston, and to the claimants of two prizes brought into the port of Boston by a French privateer. Dated, 26 August, 1793.
4. Various memoranda concerning returns of Votes for Hon. George Leonard, Peleg Coffin, Jr., Phanuel Bishop, and David Cobb, Esq., candidates in Bristol County for election to the Federal Congress. No date.
5. List of civil officers in Dukes County, &c. No date.
6. Copy of Resolve concerning William Frobisher. No date.
7. Statement of facts in the case of George Dana, in trouble concerning a note for £60. No date.

Dr. SAMUEL A. GREEN said:—

It is well known that our former associate Mr. John Langdon Sibley, late Librarian of Harvard College, bequeathed the bulk of his estate to this Society, subject to a life interest on the part of his widow. He died in Cambridge, on December 9, 1885; and an official announcement of such disposition of his property was made at the meeting held on January 14, 1886. A copy of his will is printed in the Proceedings of that date. It was then stated that the appraisal of his estate was upwards of \$150,000,—the largest sum of money ever given or bequeathed to the Society,—which would place the name of Sibley among the most munificent promoters of historical research. The subject was of such importance that it was referred to a special committee,—with the late Judge Hoar as chairman,—who at the next March meeting, in recognition of this large bequest, reported a set of resolutions which were duly passed. The Committee mentioned the fact that the fund might not become “available for a considerable period of time.” When the resolutions were drawn, this period was very indefinite, but now it has elapsed.

As executor of the estate, it devolves on me to make the announcement of Mrs. Sibley's death which took place at her home in Groton, on Wednesday, January 22. With no surviving kindred nearer than first cousins once removed, she had few family relatives. Mrs. Charlotte Augusta Langdon (Cook) Sibley was an only daughter of Samuel and Catharine Amelia (Langdon) Cook, of Boston, where she was born on October 5, 1819. Since the death of her husband she has been a resident of Groton, where she was conspicuous in many good works. She will be missed both there and in the neighboring towns among the local charitable organizations, in which she ever took an active part. It was largely through her benefaction that a few years ago the Groton Public Library building was erected, for which she gave the lot of land on which it stands, and nearly \$20,000 in money.

The funeral services were held in the First Parish Meeting-house on January 25, and were attended by a large number of friends and neighbors, including the President and first Vice-President of the Historical Society, and the two assistant librarians; and the interment took place two days later in the family lot at Mount Auburn in Cambridge.

For an account of her mother's family, see "The New-England Historical and Genealogical Register" (XXX. 33-37) for January, 1876; and for the Rev. Dr. Andrew P. Peabody's memoir of her husband, see the Proceedings (second series, II. 487-507) of this Society, for May, 1886.

A copy of her last will and testament is herewith presented: —

This is the last will and testament of me, CHARLOTTE AUGUSTA LANGDON SIBLEY, of Cambridge, in the Commonwealth of Massachusetts, widow of John Langdon Sibley, late of said Cambridge, deceased, testate.

I appoint Samuel A. Green, of Boston, in said Commonwealth, executor of this, my will; and I request that he be exempt from giving any surety on his bond as such executor. I direct him to give to the Massachusetts Historical Society the pair of old bronze candlesticks formerly owned by my father, now in my residence on Phillips Place, in said Cambridge. And I give to said Samuel A. Green my wearing apparel, articles of personal ornament and use, books, pictures, and engravings, as legally his own, and without any trust, but with the full confidence and understanding that he will dispose of the same as gifts,

or otherwise, without any sale or public exhibition thereof, in such manner as he shall have reason to suppose would be agreeable to me.

I give the house and land now owned by me, on which I now reside, situated on Phillips Place, in said Cambridge, and all the furniture remaining therein at my decease, to the Cambridge Hospital, a corporation established by law in said Commonwealth, with power to hold and retain or to sell and convey the same, and to use the same, or the proceeds thereof, in such manner as it shall deem to be best calculated to promote and carry out the purposes for which it was incorporated. And whereas, my late husband, the said John Langdon Sibley, by his last will and testament, gave all his property and estate to me in trust to retain all the rents and income thereof remaining, after deducting certain payments which by his said will he directed and desired should be made out of the said rents and income, to my own use during my life, with power in every year when I shall deem said net rents and income to be insufficient for my comfortable support, to apply to such support so much money out of the capital of the trust fund given to me in trust as aforesaid as in my judgment may be required therefor, and whereas he further gave the capital of all said trust property and estate remaining at my death, after deducting a certain legacy in and by his said last will given and so deducted, to the said Historical Society; and I am advised that any of said rents and income so given to me, accumulated or remaining, and not expended before my death, would or may be and pass as my estate, and not under and by his will; and I desire to give, subject to the terms and provisions hereinafter set forth, to said Society, in which he was interested, all which shall remain at my decease, both of said rents or income, and of any part of the capital of said trust property and estate of which I can dispose. Now, then, I hereby give, devise, and bequeath to said Massachusetts Historical Society, without any restrictions, to be used and appropriated for the purposes of its incorporation, in such manner as it shall deem expedient, all stocks, bonds, securities, investments, or moneys, derived from all or any part of said rents or income, and remaining at my decease unexpended, and not given away or transferred by me. And I also give unto said Massachusetts Historical Society, but to be kept with said trust property or estate, and held on the same trusts as those for and upon which the said trust fund, property, or estate was by his said will given to said Society, any and every part so remaining of the capital of said trust fund or estate which the power to me given by his said will enables me to dispose of.

The foregoing is intended to dispose of all the property I now have; and it shall be assumed that all property I shall have remaining at my decease, other than said bronze candlesticks, and the property, whether real or personal, hereinbefore given to said Samuel A. Green or to the

Cambridge Hospital aforesaid, unless it shall otherwise clearly appear, is derived from or part of said rents and income, or said capital of said trust fund or estate. I revoke all other wills by me at any time heretofore made, and declare this only to be my last will and testament.

In witness whereof, I hereunto set my hand and seal on this fourth day of March, in the year eighteen hundred and eighty-six.

CHARLOTTE A. L. SIBLEY.

SEAL.

Signed, sealed, published, and declared by the above-named testatrix, Charlotte Augusta Langdon Sibley, on this fourth day of March, in the year eighteen hundred and eighty-six, as and for her last will and testament in the presence of all and each of us, who, at her request, in her presence, and in the presence of each other, attest and subscribe the same, and hereunto set our hands as witnesses thereunto on said day.

CHARLES F. WALCOTT, Cambridge, Mass.

ANDREW FISKE, Weston, Mass.

MARTHA H. SAWYER, Boston, Mass.

In behalf of Mr. JOHN T. HASSAM, who had been detained from the meeting, Mr. Charles C. Smith presented by title the following paper: —

*Registers of Probate for the County of Suffolk, Massachusetts.
1639-1799.*

At the meetings¹ of this Society held in May, 1898, and March, 1900, I gave some account of the Recorders, Clerks, and Registers of Deeds for the County of Suffolk, beginning with the year 1639, when the office of Recorder was first created, and ending with the year 1900.

I purpose now to present the result of some researches concerning the Suffolk Registry of Probate, and those who have administered it from the year 1639 to the year 1799.

Under our first charter, in the early colonial period, the Registry of Probate and Registry of Deeds were both under a single official, styled the Recorder. The Recorders were succeeded by the Clerks, and finally, under our second charter, by the Registers of Probate and the Registers of Deeds, each of

¹ 2 Proc. Mass. Hist. Soc., XII. 203-250; XIV. 34-104. These papers were afterward reprinted, with some additions, chiefly in the foot-notes, as part of the introductions to Lib. X. and Lib. XI. Suffolk Deeds.

these Registries then having its own executive officer, separate and distinct from the other, as in our own day.

Stephen Winthrop was the first Recorder. He held the office from 1639 to 1644, and was succeeded in the Probate Office by the following Recorders, Clerks, and Registers of Probate: —

William Aspinwall,	1644-1651.
Edward Rawson,	1651-1670.
Freegrace Bendall,	1670-1672, 1673-1676.
John Davenport,	1676.
Edward Randolph, ¹	1686.
Daniel Allin,	1686, 1687.
Thomas Dudley,	1686-1689.
Joseph Webb,	1690-1692.
Isaac Addington,	1672, 1673, 1676-1686, 1689, 1690, 1692-1702.

But as they all held a like official position in the Registry of Deeds, it will be unnecessary to add anything here to what has already been said concerning them in the first mentioned paper, where a full account of them may be found.

When Isaac Addington, November 19, 1702, retired from the office of Register of Probate to become Judge of Probate, he was succeeded by Paul Dudley.

PAUL DUDLEY.

1702-1715.

Paul Dudley,² son of Governor Joseph Dudley and grandson of Governor Thomas Dudley, was born in Roxbury, September 3, 1675, and was baptized there 5. 7^{mo} 1675.

His father, when presenting him for



¹ During the Inter-Charter period, when Edward Randolph was Register and Secretary, the Probate Records were, in part, attested by John West, Deputy Secretary. Under the first charter, some of the earlier records were attested by Increase Nowell, Secretary of the Colony.

² History of the Dudley Family, by Dean Dudley, I. 521-534; New England Historical and Genealogical Register, X. 130, 337, 343, XXIII. 287, XXXIV. 185, XLI. 303; Professional and Industrial History of Suffolk County, Bench and Bar, I. 638; Memorial History of Boston, II. 351, 428, IV. 572, 609; Report of the Third Annual Meeting of the Governor Thomas Dudley Family Association, held in Boston, October 15, 1895. The address of the Rev. Francis B. Hornbrooke delivered at that meeting has been reprinted in the New England Magazine, XIX. 634.

admission to Harvard College, in a letter¹ dated April 26, 1686, to the Rev. Increase Mather, then Acting President of the College, says: —

“ . . . I have humbly to offer you a litle sober & well disposed son, who though very yong, if he may have the favour of admittance, I hope his learning will be tollerable; & for him I will promise that by your & my Care, his own Industry, & the blessing of God, his Mother, the Vniversity shall not be ashamed to allow him the place of a son at seaven years end. I pray you will please to appoynt a time when he may wayt on you to be examined, which his Brother Thomas² may prepare him for . . . ”

He was graduated in the class of 1690, perhaps the youngest Bachelor of Arts in all the long line of Harvard Alumni.³ He took his second degree in 1693.

¹ 4 Mass. Hist. Soc. Coll., VIII. 484, The Mather Papers. See also *Ibid.*, VIII. 656, for a letter dated May 17, 1686, of John Cotton (Harvard College, 1678), then Librarian of the College, to Acting President Mather in relation to Paul Dudley's admission to College.

² Thomas Dudley (Harvard College, 1685), the eldest son of Governor Joseph Dudley, was born in Roxbury February 26, 1669-70; and was appointed June 2, 1686, one of the Clerks for Suffolk County. See Early Suffolk Recorders, by John T. Hassam, in 2 Proc. Mass. Hist. Soc., XII. 244, and in the Introduction to Suffolk Deeds, Lib. X.

In addition to what is there stated concerning him the following anecdote may be of interest: —

“ When M^r Thomas Dudley, the eldest son of the late Gov^r Dudley, was at the Inns of Court a candidate for the practice of the law, and at a certain time attending a court in Westminster Hall, the chief judge observ'd this young student as he was taking his notes with uncommon care & diligence, and after calling for the notes of several seargents and barristers, he askt this young gent^m for his, and in open court did him the great honour of saying his was the best account of all the pleadings in the causes. This I tell you to prick up your emulation. But still to do greater honour to this young gent^m, he returned to his country a much better (& most excellent) Christian from the Temple than when he went to it; and this of all things is most worthy of your imitation.” (Letter of Governor Belcher to his son Jonathan Belcher, Jr., Belcher Papers, I. 51. See also *Ibid.*, II. 124 for another version.)

Governor Dudley in a letter (Winthrop Papers, V. 520) dated Cowes, Isle of Wight, December 23, 1700, to Paul Dudley, then at the Middle Temple, London, says: —

“ Your brother was here but three yeares and wanted neither learning nor repute when he returned.”

For approximate date of the death of Thomas Dudley, see Governor Dudley's letters in Winthrop Papers, V. 513-515, and Sewall's Diary, I. 455.

³ Sibley (Harvard Graduates, III. 6, note) says: “ I recollect only two alumni of Harvard University who were younger when they graduated than Cotton Mather. Paul Dudley, born 3 September, 1675, was fourteen when he took

In the Act for the Incorporation¹ of Harvard College in 1697, he was one of the fourteen Masters of Arts who were constituted Fellows of the College.

In the same year, 1697, he went to London,² entered upon the study of the law in the Middle Temple,³ and was called to the Bar.

his first degree, 2 July, 1690; and Andrew Preston Peabody, D.D., LL.D., born 19 March, 1811, was fifteen when he graduated, 31 August, 1826."

See also "Harvard's Youngest Three," by Eliot Lord in the New England Magazine, XIII. 639.

¹ Acts of 1697, Ch. 10, § 1; Province Laws, I. 288.

The election of President Leverett was a turning-point in the history of Harvard College. It was a bitter disappointment to the Mathers, father and son, and as Governor Dudley was largely instrumental in bringing it about, they never forgave him for it. At the inauguration, January 14, 1707-8, the Governor delivered the care of the College into the hands of the new President. "A Psalm was sung (Chorago D. Paulo Dudley) and the *Gloria Patri* closes the whole." (Sibley's Harvard Graduates, III. 186). Judge Sewall (Diary, II. 208) also gives an account of it.

At a meeting of the Overseers, November 12, 1718, Paul Dudley seems to have acted with the party opposed to President Leverett. (Sewall's Diary, III. 203.)

Judge Sewall (Diary, II. 355) tells us that at Commencement July 2, 1712, "Mr. P. Dudley set the Tune: At *Gloria Patri*, our L^t Gov^r stood up, alone."

² His father, who after the overthrow of Andros had been compelled to go to England in 1690, writes from Cowes to his wife in New England, under date of June 24, 1697 (Winthrop Papers, V. 515), he being then Deputy Governor of the Isle of Wight:—

"If Paul be coming towards mee, he shall be welcom; if you have otherwise disposed him at the Coledge and he have a fellowship there, I will be content, though I know not whether an employmant that way will be so agreeable as the law might be. Let him take care of your affayres at home, especially referring to your orchards."

See Records of the First Church, Cambridge (I. 28), for a letter of recommendation, dated June 24, 1697, from the First Church, Roxbury, with which Paul Dudley provided himself when "purposing, by the will of God, a Voyage into England."

He may have first sailed to Spain, for in his "Essay on the Merchandise of Slaves & Souls of Men," he says:—

"I my self being at *Coruna* in *Spain* in the year 1697. saw more than an hundred Men and Women passing thro' that City on a Pilgrimage, to the Shrine of some noted Romish Saint, at two or three hundred Miles distance from their own Habitation."

³ Winthrop Papers, V. 519.

Governor Belcher, who had frequent occasion to deplore the extravagance of his son Jonathan Belcher, Jr., who had spent upward of £333 for the year ending August, 1732, he being then engaged in the study of the law at the Temple, writes:—

"Judge Lynde & Judge Dudley tell me they never exceeded £ 120 str in one year while at the Temple, & M^r Dudley was a Gov^r's eldest son. However, I know the world is more extravagant now a days." And again: "The times may be alter'd, and extravagance now more fashionable & tyrannical; yet the difference is vast." (Belcher Papers, I. 185, 263.)

His father having while in England received the appointment of Captain-General and Governor in Chief of the Provinces of Massachusetts Bay and New Hampshire, returned home after an absence of twelve years, arriving in Boston June 11, 1702. The son had already preceded him.

Judge Sewall, in his Diary,¹ writes: —

“July, 6. [1702] . . . In the Afternoon Paul Dudley esqr. is Appointed the Queen’s Attorney.”

He held the office of Attorney-General until November 22, 1718, when he resigned it to take his seat on the bench, a Justice of the Superior Court of Judicature.

At a Council² held at Cambridge, November 19, 1702, His Excellency nominated Isaac Addington to be Judge of Probate for the County of Suffolk and

“Paul Dudley Esqr. for Register of Wills and Administrations &c. within the same County of Suffolk,”

and he held the office until 1715, when he was succeeded by Joseph Marion.

¹ Sewall’s Diary, II. 59; Council Records, III. 348.

In addition to this appointment, which was made by the Governor of the Province, Dudley held also from Queen Anne a royal commission as Attorney-General. It was dated Westminster, April 22, 1702, and is printed in full in 2 Proc. Mass. Hist. Soc., XII. 51.

See Mr. Goodell’s paper on the Attorneys-General and Solicitors-General of Massachusetts in 2 Proc. Mass. Hist. Soc., X. 285.

There are many references to Attorney-General Paul Dudley in Sewall’s Diary. Under date of May 23, 1704 (Diary, II. 102), Judge Sewall says that on his return from Salem: “Refresh at Lewis’s, where Mr. Paul Dudley is in egre pursuit of the Pirats.”

And John Chamberlayne in a letter dated Westminster, England, February 13, 1704-5 (Winthrop Papers, V. 546), to Governor Dudley, compliments “Mr Att: Gen: vpon his obliging letter to me, as well as of his rich wife & the fine things spoken at the pyrats tryals, admired by Mr Blathwait & every body.”

For an account of the pursuit and capture of these pirates, their trial, conviction, and execution, see Sewall’s Diary, II. 103-111. See also Publications of the Colonial Society, III. 71.

It was while on circuit at Plymouth, after the adjournment of the Court, in the leisure hours of the evening of April 1, 1714, that there took place between the Judge and the Attorney-General, that curious discussion on the Resurrection, a fragment of which Judge Sewall has carefully preserved for us (Diary, II. 430).

Under date of October 24, 1726, — after the Attorney-General had himself become a Judge, — in reply to an invitation from Thomas Robie, of Salem, Judge Sewall (Letter Book, II. 215), writes: —

“I apprehend the Providence of GOD calls me off from any further labours in riding the circuit . . . If you please to entertain Judge Dudley in my room, ‘twill please me. His Honour will be very good Company.”

² Council Records, III. 388.

At a previous meeting¹ of the Council June 30, 1702, he had been nominated and appointed a Justice of the Peace for Suffolk County.

The work of welding together and consolidating the British Empire, and bringing its outlying parts into closer relations with the Crown, essential as that work was, went on under our second charter, in the midst of such difficulties and perplexities that the lot of a Royal Governor was far from being an enviable one.

The Dudleys were of the prerogative party, and the unpopularity of Governor Dudley was fully shared by his son Paul.

A bitter attack on Governor Dudley was made in a pamphlet entitled "A Memorial of the Present Deplorable State of New England," etc., which is supposed to have been prepared here, perhaps by the Rev. Cotton Mather, and sent to London, where it was printed in 1707. This was followed by an able defence of the Governor entitled "A Modest Enquiry," etc. "By a Disinterested Hand," London, 1707. A renewed attack was made in "The Deplorable State of New England," etc.,² a pamphlet printed in London in 1708.

In the third of these pamphlets there was printed a letter of Paul Dudley³ which was thus introduced: "His Son *Paul*,

¹ Council Records, III. 339.

² These three very rare pamphlets were reprinted in the Introduction to Sewall's Diary, Vol. II.

³ Sewall's Diary, II. 109*. See also New England Historical and Genealogical Register, XIX. 167.

Sir Henry Ashurst in a letter to Wait Winthrop (Winthrop Papers, VI. 133), dated Kensington, September 16, 1704, thus refers to it: "I haue inclosed you a chois leter of M^r D. son's heer, by w^{ch} you may see how true hee is to the interest of his countray."

In a postscript he adds: "I pray sho Cos. Sergant by my directions, & also M^r Mathers, M^r Dud. leter, and any of the papers, but not my generall leter to yo^r bro."

The Rev. Cotton Mather in a letter (1 Mass. Hist. Soc. Coll., III. 132) dated January 20, 1707-8, to Governor Dudley says: "We have long since had sent over to us, your son's letter to a kinsman, which declares your good will to the charter, expressed more ways than one."

And the Rev. Increase Mather in a letter of the same date (*Ibid.*, III. 126) to Governor Dudley says: "Your son Paul's letter, dated January 12, 1703-4, to W. Wharton, seems to those that have read it, to be nothing short of a demonstration, that both of you have been contriving to destroy the charter privileges of the province; and to obtain a commission for a court of chancery, alias a court of bribery. A gentleman in London gave ten pounds for that letter, that so his friends in New England might see what was plotting against them."

More than thirty years after the feud between the Mathers and the Dudleys,

(the great Instrument of his Oppressions) Writes over to his Governor Belcher, intent upon injuring Paul Dudley, with whom he also had quarrelled, was endeavoring to get into his hands an original letter written by Dudley. He thus refers to it in his own letter to Thomas Coram, dated Boston, October 29, 1739 (Belcher Papers, II. 233) : —

“ I shall write Mr Newman a letter on purpose to obtain from him (if possible) Paul the Preacher’s letter to J. D.”

In a letter dated Boston November 20, 1739 (*Ibid.*, II. 494), Governor Belcher desires his son Jonathan Belcher, Jr., then in London, to procure the original letter from Mr. Dudley to Mr. Dummer.

Governor Belcher in a letter dated Boston, November 20, 1739 (*Ibid.*, II. 247), to Henry Newman, says : —

“ This comes to ask after your health & is under Mr Belcher’s cover, & he is order’d to deliver it into your own hands, to pray you to let him have the letter drop in your lodgings, being from Mr Dudley to Mr Dummer, now deceas’d. It can be of no service to you, but may be considerably so to me, and as it shall alwayes remain a secret how it came to my hands, I fully depend you will show me a new instance of your sincere respect by letting me be possest of it.”

Governor Belcher, in a letter to Thomas Coram (*Ibid.*, II. 334), dated Boston, October 25, 1740, referring to the reception of Coram’s letters to the Speaker and the Secretary, and the disposal of them made by the House of Representatives and the Council and the votes concerning them obtained by Paul Dudley, says : —

“ I think you are bound in honour to find out some way of making an answer and to expose him publickly, which you may be able to do by advising among your friends and mine, and the better to inable you, I put in this packet a book call’d *The Deplorable State of New England*, where you’ll find a vile letter wrote by this man to his cousin in England to put him upon indeavouring to take away the charter of this countrey. This letter might go into one of the publick prints with proper animadversions upon it, & you might send a number of ‘em that each member of the Assembly might have one. This wicked attempt of his is almost lost and forgot by the present generation, but the revival of it I beleive wou’d do his business, & I have no reason to think but that he is the same man still in heart & principle.”

In another letter to Coram (*Ibid.*, II. 524; Belcher’s Letter Book, V. 69), dated Boston, November 14, 1740, he says : —

“ The Pamphlet I sent you, in which is his fine Letter, may help to paint him in his Colours . . . If the Executors to Mr Dummers will could obtain the Original Letter, it would be a great point gaind, and if they pursue it heartily, it would fright him to think of a Bill in Chancery, do all you possibly can to get it.”

In a letter to Henry Newman, dated Boston, November 15, 1740 (Belcher Papers, II. 524; Belcher’s Letter Book, V. 74), Governor Belcher charges him with injustice in withholding “ the Letter, wrote by M^r. P. Dudley, to the deceas’d M^r. J. Dummer.” See also Belcher Papers, II. 394.

In a letter dated Boston, September 1, 1741 (*Ibid.*, II. 411), after he had been superseded as Governor, he writes again to Henry Newman : “ As things are circumstanc’d I shall wave saying anything more at present upon the subject of the vile letter wrote by P. D. to the late J. D.”

The Thomas Coram here mentioned was Captain Thomas Coram, the founder of the Foundling Hospital, London. At its gates, facing the street, stands his statue by Marshall. In a vault beneath the Chapel he lies buried. His portrait by Hogarth hangs in the gallery of the hospital.

A letter written by him to the Secretary, dated London, April 5, 1740

Friend in *London*, a Letter, wherein are these following Words."

"wherein are contained many reflections on the conduct of the Hon^{ble} Paul Dudley Esqr. and on the memory of the Hon^{ble} Nathl. Byfield Esqr. decd" was not received into the Council Files, there appearing nothing to support the allegations and reflections contained therein (Council Records, X. 375, June 17, 1740).

The Speaker of the House of Representatives received likewise a letter of the same date, and the House voted, May 29, 1740, that it was "unworthy the Notice of this House, save their Displeasure, and that therefore the aforesaid Letter be delivered by the Speaker to the said *Paul Dudley*, Esq; that so he may the better have his Remedy against the Author of the same." (Journal of the House of Representatives, A. D. 1740, p. 8.)

Belcher and the Mathers evidently refer to the same letter of Paul Dudley.

It will be noted that Governor Belcher speaks of a letter to "J. D." to "Mr Dummer" to "his [Dudley's] cousin in England." The pamphlet of 1708 says "his Friend in London." The letter itself reads "Dear Kinsman."

Such are the ramifications of our early New England families, owing to repeated intermarriages, fruitful in children to marry and be given in marriage in their turn, that it would perhaps be rash to assert, without further investigation, that there was no blood relationship between Paul Dudley and Jeremiah Dummer. There was, indeed, a relationship by marriage, William Dummer, the brother of Jeremiah, having married Catharine Dudley, a sister of Paul Dudley. But this marriage was solemnized in 1714, long after the letter above printed was written.

Taking everything into consideration, we may be permitted to doubt if Jeremiah Dummer was the one to whom that letter was written.

This doubt is more than justified when we learn that Jeremiah Dummer was not in London at the date of that letter. He had received the degree of *Philosophie Doctor* at the University of Utrecht in 1703, and had returned home. Sewall (Diary, II. 92) tells us that "Dr. Jer. Dummer preaches," January 16, 1703-4, in Boston. At Commencement at Harvard College, July 15 following, "Dr. Dummer rose up and in very fluent good Latin ask'd Leave, and made an oposition." (*Ibid.* II. 111.)

Mather speaks of the letter as written to "W. Wharton." Now William Wharton was a kinsman of Dudley, and he was in England at this time. Yet if "a gentleman in London" — perhaps Sir Henry Ashurst — "gave ten pounds for that letter" and sent it — presumably the original letter and not a copy — to New England, how did it happen to be "dropt in [Mr. Newman's] lodgings"?

The indented note on page 9 of the pamphlet of 1708 (Sewall's Diary, II. 109*) reads: "See P. Dudley's Original Letter to Mr. W. Wharton Printed at London with some Necessary Queries."

There are in the Library of the British Museum two copies of the London pamphlet of 1707. They are both perfect copies, whole and un mutilated. Neither of them contains any letter of Paul Dudley to W. Wharton. If still another pamphlet — containing another letter of Paul Dudley, or the same letter with certain annotations — is referred to in the indented note, nothing is known at the British Museum of such a publication, and the Library has no copy of it.

After much research and considerable correspondence I have been unable, so far, to obtain any further light on this subject. Perhaps future investigations may lead to something more definite and satisfactory.

"Boston, 12th Jan. 1704.

Dear KINSMAN,

*I Confess I am Ashamed almost to Think, I should be at Home so long, and not let you know of it, till now. Tho' after all, a New-England Correspondence is scarce worth your having. . . . I Refer you to *Mr. . . . for an Account of every thing, especially about the Government, and the Colledge; both which, are Discoursed of here, in Chimney Corners, and Private Meetings, as confidently as can be. If there should be any Occasion, you must be sure to stir your Self and Friends, and show your Affection and Respect to my Father, who Loves you well, and Bid me Tell you so. . . . This Country will never be worth Living in, for Lawyers and Gentlemen, till the CHARTER IS TAKEN AWAY. My Father and I sometimes Talk of the Queen's Establishing a COURT OF CHANCERY in this Country; I have Writ about it, to Mr. Blathwayt: If the Matter should Succeed, you might get some Place worth your Return; of which I should be very Glad. If I can any ways Serve you or your Friends, Pray Signify it to (Dear SIR)*

* See P. Dudley's Original Letter to Mr. W. Wharton Printed at London with some Necessary Queries.

Your Affectionate Friend,

and Humble Servant,

PAUL DUDLEY."

Paul Dudley was one of the few trained lawyers of the early Provincial period, and notwithstanding party rancor and in spite of the vituperation showered upon him by political opponents, his great abilities and many accomplishments compelled the admiration and respect of the entire community.

He lived first in Boston, where he took a prominent part in town affairs. He was chosen Moderator of various town meetings¹ and served on several important committees.

At a town-meeting² held in Boston December 27, 1708, it was voted that

"a Committee be chosen to draw up a Scheme or draught of a Charter of Incorporation (or any other projection) for the Incouragement and better Governm^t of this Town,"

¹ Boston Town Records, II. 305, 339, 344.

He served on Committees also —

"To prevent damage by the Sea's wasting away y^e neck." (December 19, 1709. Town Records, II. 306.)

On the surrender of the "Lease of y^e Town Dock, or Bendalls Dock." (March 13, 1709-10. *Ibid.*, II. 311.)

"To consider and prepare what they Shall think proper to be layd before the Town." (March 13, 1710-11. *Ibid.*, II. 323.)

"To Treat wth Dr. Cook Abt his Incroachm^t on King street." (March [April] 3, 1711-12. Selectmen's Minutes, II. 40.)

² Boston Town Records, II. 299.

and Dudley was one of the thirty-one freeholders and inhabitants who constituted that Committee.

At a town-meeting¹ held in Boston, March 11, 1711-12, he was chosen one of the Selectmen.

At a town-meeting² held in Boston, March 9, 1712-13, he was again chosen one of the Selectmen, but declined to serve.

He published his Objections to the Bank of Credit³ in 1714.

As early as 1706, when it was thought that Isaac Addington, then Secretary of the Province, was about to die, Governor Dudley wrote the following letter:⁴ —

“ BOSTON, 15 Febr. 1705-6.

HONORABLE S^r, — Besides my other letters wherewith I have troubled you, this is upon the particular occasion of M^r Secretary Addington, who has been long in service here, the most diligent servant her Majesty has in America; but he is lately much indisposed and I dowl will not live long. I humbly ask your favour for my son, Paul Dudley, that in case I should further advise that M^r Secretary's service is ended, which yet I heartily desire may last long, that he may stand in your favour for that office. Tho' there is no salary to be had, the fees are worth sixty or seventy pounds per annum, and will assist him. His attorney general's place is not worth to him twenty pounds per annum, tho' he drudges at it, as well as his other law. And I should be glad my self to be honored to be your deputy auditor, and should serve it carefully. I hope, notwithstanding what I write, M^r Addingtons life & health.

I am S^r your Honours most faithful humble servant,
J. DUDLEY.”

This appointment was not made, for Addington unexpectedly recovered and continued in office for nine years longer. After his death, however, which occurred March 19, 1714-15, the Governor appointed,⁵ March 26, 1715, Addington

¹ Boston Town Records, II. 335.

² *Ibid.*, II. 339.

³ J. Hammond Trumbull (*Proceedings of the American Antiquarian Society*, New Series, III. 291) says that “Of nearly thirty pamphlets and tracts printed from 1714 to 1721, inclusive, for and against a private bank or a public bank, the emission of bills of credit, and paper-currency in general, this of Mr. Dudley's was the first, and is in some respects the ablest.”

See also *Ibid.*, New Series, XI. 76; *New England Historical and Genealogical Register*, XIX. 166-168; *Currency and Banking in the Province of the Massachusetts-Bay*, by Andrew McFarland Davis, II. 87-90.

⁴ *Winthrop Papers*, V. 551.

⁵ *Council Records*, VI. 335; *Mass. Archives*, XLVIII. 427; *Boston News Letter*, April 18, 1715.

Davenport and Paul Dudley Commissioners to take care of the seals and the office until the appointment of the new Secretary. Samuel Woodward, the new Secretary, arrived in Boston September 22, 1715, and was sworn in on the 24th of that month.

Another unsuccessful attempt of Governor Dudley is thus chronicled by Judge Sewall: ¹ —

April 7, 1715. “Gen^l Council p. m. Gov^r propounds Mr. Paul Dudley for Judge of Probat. Ten No’s; Eight yea’s, as the Gov^r told them.”

Still another effort to advance the fortunes of Paul Dudley is recorded by Judge Sewall: ² —

“Satterday, Feb^r 8 [1717-18]. Afterward Mr. Belcher [Governor Belcher] enter’d into discourse about the Nomination and Aþpointment of Officers to be next week propounded, that Paul Dudley esqr. might be Chief Justice; and I put in Col. Hutchinson’s Room, that place being near as profitable. Gov^r would do nothing to displease me. Mr. Dudley would be Chief Justice or nothing: was of a good Family, Capacity, his Country had yet done little for him.”

This prospect does not appear to have pleased Judge Sewall, for he adds: —

“I desired a day or 2. to Consider of it. He desired it might be between the Gov^r, himself and me.”

Notwithstanding “Mr. Dudley would be Chief Justice or nothing,” the Council Records ³ under date of November 20, 1718, record the fact that

“Paul Dudley Esq^r [was appointed] one of ye Justices of the Superior Court of Judicature &c throughout this Province,”

¹ Sewall’s Diary, III. 45.

Judge Sewall’s apprehensions (*Ibid.*, III. 105) seem to have been aroused on the arrival, October 5, 1716, of Governor Shute to succeed Governor Dudley. When the signal gun announcing his coming was heard, the Judge and the other members of the Committee “Go aboard the Ship under sail, . . . and Congratulated the Governour’s safe Arrival. The Dept^s had invited him to Col. Tayler’s to lodge, till he went into his own house. They say his Excel’s Answer was, He engaged in London to lodge at Mr. Paul Dudley’s. . . . The Governour’s going to Mr. Dudley’s makes many fear that he is deliver’d up to a Party. *Deus avertat Omen!*”

² Sewall’s Diary, III. 167.

³ Council Records, VI. 623.

and it was not until January 24, 1745-6, long after Judge Sewall had passed away, and on the death of Chief Justice Lynde, that Paul Dudley was appointed Chief Justice.¹

He was chosen, May 30, 1718, a member of the Council,² and he held his seat until 1736, except in the year 1730. In 1737, 1739, and 1740 his election was "negatived" by Governor Belcher.

He continued to live in Boston — and he is described in deeds and other instruments as "of Boston" — until about the time of the death of his father in 1720, when he removed to Roxbury.³ There he played a conspicuous part in the affairs of the town, serving on committees and acting as moderator of various town meetings.⁴

At a town meeting⁵ held in Roxbury May 17, 1738, he was chosen a Representative to the General Court, but thanking the town for the respect paid him, he declined the honor.

At a town meeting⁶ held May 14, 1739, he was again chosen a Representative, and this time he accepted. The House elected him its Speaker, but the Governor not consenting, another was chosen Speaker in his stead. He was re-elected the following year, 1740, and again in 1741, a Representative⁷ from Roxbury.

¹ Council Records, XI. 553; Boston News Letter, January 30, 1746.

² General Court Records, X. 230; Boston News Letter, June 2, 1718; Belcher Papers, II. 264, 265, 267, 300, 317, 333, 508.

³ The Boston News Letter of September 25, 1721, contains the following: —

"ROXBURY, September 19th. 1721.

Last Night about the Middle of the Night, the House of Paul Dudley Esq; in Roxbury, was broke open, and from thence stole and carryed away, viz. A pair of Silver Candlesticks of Mr. Dummer's make, a Silver-hilted Sword, Silver Spurs, and Silver Buckles, Three or Four small Silver Tea-Spoons: a Bever Hat, a light Perriwig ty'd up, almost New; A gray broad Cloth Coat, trim'd and fac'd with black, half worn, half a dozen Holland Shirts, Three Shifts, Four Muslin Neckcloths, and a pair of English Mens Shoes, rosted Soles. Whosoever shall apprehend and take up or stop and secure the abovesaid things, or any of them, so that they may be conveyed to the abovesaid Owner at Roxbury, shall be well Rewarded, and necessary Charges paid."

Samuel Sewall, Jr., in his Notes (Sewall's Letter Book, II. 303) says: "July 17th. [1722] Judge Dudley's House Raised," and Judge Sewall (Diary, III. 319) January 22, 1722-3, when he went to Roxbury Lecture, "Visited Mr. Dudy and wish'd him joy of his new House."

⁴ Roxbury Town Records, I. 328, 337; II. 22, 24, 28, 43.

⁵ *Ibid.*, II. 56.

⁶ *Ibid.*, II. 61; Boston News Letter, May 17, 1739.

⁷ Roxbury Town Records, II. 67, 70, 71. He was one of a Committee appointed by the House July 17, 1741, to prepare a new edition of the Province Laws. (General Court Records, XVII. 3, 19.)

He was one of the Feoffees of the Roxbury Latin School, and when the old school house, which had gone to decay, was replaced by a new one in 1742, he "was pleased to bestow, for the use of said school, a good, handsome bell."¹

Some of the old milestones, marked with the initials P. D., erected by him in Roxbury, are still to be seen; but the stone bridge built by him over Smelt Brook, for which he received the thanks of the town and which was named "Dudley's Bridge,"² has long since disappeared.

He was appointed,³ September 9, 1721, by the Governor and Council, one of the Commissioners to meet the Five Nations at Albany.

He had always shown a scholarly interest in the Indian languages, and a valuable letter⁴ dated Chilmark, March 20, 1721-2, to him on that subject, apparently in response to some inquiries of his, is still extant. It was written by Experience Mayhew of Martha's Vineyard, a most competent authority for he had "an hereditary interest in the apostolic mission to the Indian," and had been "in childhood a play-mate with the Indian children." As he himself says, "I learnt the Indian Language by Rote, as I did my mother Tongue, and not by Studying the Rules of it as the Lattin Tongue is comonly Learned."

Dudley was elected, November 2, 1721, a Fellow⁵ of the

¹ History of the Grammar School in Roxbury, by C. K. Dillaway, p. 64; "The Roxbury Latin School," by the Rev. James De Normandie, in the New England Magazine, XVIII. 388.

² At a town meeting held in Roxbury, March 7, 1719-20 (Roxbury Town Records, I. 305), the following vote was passed:—

"Voted that the Select men are desired to Return thanks to the Honourable Paul Dudley Esq^r for Building the upper Stone bridge over Smelt brook in the town street, And that henceforward it be Called by the name of Dudleyes Bridge."

³ Council Records, VII. 306, 424.

In 2 Mass. Hist. Soc. Coll., VIII. 243, there is an Account of the Names and Numbers of the Five Indian Nations in Alliance with the Government of New York and under the Protection of the Crown of Great Britain, "taken from a memorandum of Paul Dudley's Esq. who had it at Albany in October, 1721 when an agent of the Province of the Massachusetts to treat with the five nations abovementioned. *Copied 8d of Nov. 1721.*"

⁴ This letter of Experience Mayhew was printed, with an introduction by the late John S. H. Fogg, M.D., in the New England Historical and Genealogical Register for January, 1885, (XXXIX. 10).

See also "English Definitions of Indian Terms. From Paul Dudley's Papers," by J. Wingate Thornton (1 Maine Hist. Soc. Coll., V. 425).

⁵ Thomson's History of the Royal Society, Appendix, XXXV. See also New England Historical and Genealogical Register, XLVI. 117.

Royal Society of London, and he communicated a number of papers to the Transactions of that Society.

The following letter¹ to John Chamberlayne, also a Fellow of the Society, is interesting in connection with this subject:—

“ DEAR SIR,

About twenty dayes since I wrote a large Letter to our Brother Newman by Capt. Clark wherein I have taken particular notice of Professor Brandts noble History of the Reformation in Holland &c. and of Your merit in translating it to which I shall add no more in this than to say how much our College is obliged for Yr. repeated Favours of that kind and that the book is making all the hast it can thither. But I believe his Excellency will arrest it in the way for his own reading on my commendation. I am mightily pleased to hear you think of adding to Your Version of the Lord’s prayer and Hope to have the Honour of casting in at least a Mite into Your great and rich Treasury. But then it must be upon Condition or as Lawyers phraze it in their Conveyances, provided alwayes that in Your next Edition you doe new England and our famous Eliot justice in Expunging Virginia and make the title of that Version as it ought to be Nov-angliae Ex Versione Celeberrimi Elioti. I beseech you not to forget it. The Version I now send you has not the Conclusion of the Lord’s prayer for what reason I know not, it is just as the Jesuit who is a man of some Learning rendred and Taught it to the Eastern Indians and You need not scruple to put it among the Number; I shall Endeavour in a few Months to send you another Version in the pequot or Moheeg Language. They are a considerable Tribe of Indians to the westward of Boston as the Kennebeck are towards the Eastward. During the time our Indian Hostages and the Interpreter were at Boston I composed a small Nomenclature to which I have added some Remarks on the Indian Language with an Account of some of their manners and Customs with my Opinion of their Origine or first Migration. But I dare not send it for fear You should first laugh at me yourself and then expose me to others. I shall very speedily send the Society some curiosities of Our Rattlesnakes which I believe you have not Yet met with. But they are frozen at present. I have lately been at Albany, which is a small City

¹ New England Historical and Genealogical Register, XIX. 20-22.

Mr. William S. Appleton, who communicated this letter to the Register, adds that Chamberlayne “was ‘distinguished as a linguist,’ which is abundantly proved by the work of which Dudley writes, viz. ‘Oratio Dominica in Diversas Omnia fere Gentium Linguis versa,’ etc. etc., published in 1715. ‘It contains versions of the Lord’s Prayer in about one hundred and fifty languages or dialects, including three of the Indians of North America. The one which displeased Dudley is described in the preface as, ‘ Virginianam ex Bibliis Cantabrigiae impressis.’”

in the Government of New York and situated upon Hudson's River above fifty Leagues from the sea. You will easily find it in any Map of North America ; There I met with a French Trader and a Man of good sence Just come in from Canada ; he gave me a very particular acc^ot of the famous Falls of Niagara & assured me He had seen them at seaven different times. I have chosen to draw it up in a paper by itself that so you may the better communicate it if You think it deserves that Honour ; I wish I had met with it before I sent You Kellugs Voyage to Missasippi that so I might have Joyned them together. However this of Niagara may serve as an Appendix to that of Missasippi : as I remember I desired You to present the Latter to the society in Generall & in speciall to professor Halley. But whoever it was or wherever it is, this of Niagara must follow it. I shall endeavour to gratifie Dr. Mead with some of the poyson-wood. But as to More Experiments our People don't much care for making them, if I have not been particular eno in my acc^ot of that matter you must tell me what further satisfaction the Doctor wants. But in Generall as to its poysonous Quality and Operation viz by the scent and touching, I can have many declarations of it Offer'd upon Oath if need be. I am afraid I have tired you with this long Letter and Yet I cant put an End to it untill I have with abundance of Thanks and Respect acknowledge Your last kind Letter under Mr. Newman's Cover, & the many honours You are confering upon me & especially of allowing me to be Sr.

Yr. mos affectionate humble servant

PAUL DUDLEY.

Roxbury, new England, 20th Jan. 1721-22.

Superscribed. — Copy to Mr. Chamberlayne
about Niagara and Indians Lord's prayer.
1721 January."

He was one of the proprietors of Leicester in 1713, and when the Town of Dudley¹ was established by Act of the

¹ The First Book of Records of the Town of Dudley is thus inscribed :—

“ The Gift of Paul Dudley Esq^r to the town of Dudley
Roxbury the 17th of Novem^r 1732.”

There was given to the town of Oxford, for the use of the minister, a library of books contributed, some of them as early as 1719, by Paul Dudley, the Rev. Benjamin Wadsworth, and other gentlemen of Boston and its vicinity. Some of these books are now in existence. One “ is entitled ‘ Hexapla,’ or commentary on Romans. On the back of the title-page is written ‘ Roxbury 3^d July 1736. For the use of the Parish Library in Oxford New England the Rev Mr. Cambel being the present minister

Given by Paul Dudley.”

Paul Dudley also gave a volume by William Morice, Esq.

The Rev. John Campbell in his book published in 1743 “ acknowledges his indebtedness to this collection, and adds : ‘ The Honorable Judge Dudley devised

General Court, February 2, 1731-2, he was one of the largest landowners.

In 1736 he was one of the Prince Subscribers.¹

The Boston News Letter of January 31, 1751, contains the following notice of his death:—

“Last Friday Evening died at his Seat in *Roxbury*, in the 76th Year of his Age, the Honourable PAUL DUDLEY, Esq; Chief Justice of His Majesty’s Superior Court of Judicature, Court of Assize, &c. within this Province.”

The Boston News Letter of February 7, 1751, contains the following:²—

“*ROXBURY, February 2. 1750,1.*

Yesterday, with great Decency and Respect, were interr’d here the Remains of the Honourable PAUL DUDLEY, Esq; Chief-Judge of the Superior Court of Judicature, &c. within this Province: A Gentleman not more distinguished by his high Station, than by his eminent Virtues and great Abilities, so long and happily employ’d for the Good of the Public.

He was born at *Roxbury* in the Year 1675, was the Grandson of THOMAS DUDLEY, Esq; one of the first Governors of the *Massachusetts* Colony, and the eldest surviving Son of the late Governor DUDLEY, to whose Estate, as he was principal Heir, so he inherited a large Share of those superior Talents that enrich’d the Mind of that great and accomplish’d Gentleman. At the Age of eleven Years he was found qualified for an Admission into *Harvard*-College, where he proceeded Bachelor of Arts in the Year 1690, and Master of Arts in the Year 1693. Soon after which he went over to *England*, and was enter’d a Student in the Inner-Temple. After he had finished his Studies there, and had been this liberal thing and sedulously promotes it among Gentlemen. The Donors’ names are in a Catalogue of the Books, *in perpetuam Doni memoriam*; I hope their Names will be in everlasting Remembrance with the Lord.” (Daniels’ History of Oxford, 104 and note.)

¹ New England Historical and Genealogical Register, VI. 192, XIII. 139; Memorial History of Boston, II. 562.

² This obituary notice was written by Chief Justice Stephen Sewall, Dudley’s successor as Chief Justice. It was afterward reprinted in separate form. Chief Justice Stephen Sewall must not be confounded with Chief Justice Samuel Sewall, his uncle, to whom we owe the invaluable Diary. See also Eliot’s Biographical Dictionary, 159-161.

Samuel Curwen, the Loyalist, who was graduated at Harvard College in 1735 and who has left us a most interesting Journal, kept by him when in exile in England, writes, under date of July 4, 1775, that he saw at the King’s Bench, London, Lord Mansfield and Mr. Sergeant Wedderburne.

“Lord Mansfield’s manner is like the late Judge Dudley’s, of Massachusetts. His peering eyes denote a penetration and comprehension peculiarly his own.”

called to the Bar, he return'd to his native Country, to the Service of which he had early devoted himself.

As his natural Endowments were uncommon, so he had abundantly furnished his Mind by great Reading and close Study. His Knowledge (far from being confin'd to the Law) was great in most Parts of Literature: He was well versed in Natural Philosophy; an honourable Proof of which was his being a Member of the ROYAL SOCIETY: He had thoroughly studied Divinity: And in History, both civil and sacred, he had scarce an equal. These were some of the Accomplishments which so well qualified him for public Service, which was the constant Business of his Life.

Upon his Return to *New England* he was appointed Attorney-General for the Province, and for several Years he served the Public in that Capacity. He was some time a Representative for his native Town in the General Court; and sate for many Years at the Council-Board; In all which important Offices he acquitted himself with great Fidelity and Honour. But it was in the Seat of Justice he was most generally known, and therefore most admir'd. To that he was advanced in the Year 1718, being then appointed one of the Justices of the Superior Court, of which, upon the Death of the Honourable Judge LYNDE, he was commissionated the Chief-Justice: and in this high and important Station he served the Province till his Death. Here it was that he display'd so eminently his admirable Talents, especially his quick Apprehension, his uncommon Strength of Memory, and extensive Knowledge; and at the same time his great Abhorrence of Vice, together with that impartial Justice which neither respected the Rich, nor countenanced the poor Man in his Cause. Thus while with pure Hands and an upright Heart he administred Justice in his Circuit through the Province, he gain'd the general Esteem and Veneration of the People. As his Presence always commanded Respect, so it might justly be said of him that he scatter'd Iniquity with his Eyes, which struck with Awe the most daring Offenders. When he spake, it was with such Authority and peculiar Energy of Expression, as never fail'd to command Attention, and deeply impress the Minds of all who heard him; and his Sentiments of Law and Evidence in all Causes before the Court, had generally a determining Weight with those who were charged with the Trial of them.

The Powers of his Mind retain'd their Vigour to a remarkable Degree in his advanced Age; though he labor'd under great Indispositions of Body: These were often heavy upon him while attending the Business of the Court, which perhaps occasioned his discovering some Impatience, when Arguments at the Bar were drawn out to a great Length, and his expressing himself with some Appearance of Severity: But if hereby he gave any Disgust in public, he made full Amends for

it in private; where all who enjoy'd his Company were charm'd with his entertaining and polite Conversation: For, with all his other Accomplishments, he had naturally a most happy Turn for Conversation; in which he always shew'd the Gentleman, the Scholar, and the Christian.

As he early made a Profession of the Christian Religion, so he was ever careful to adorn it by a suitable Conduct in the several Relations of Life. He always express'd a tender Concern for the Interests of his Country, both civil and religious, and greatly lamented any ill-boding Aspects upon either. He was a Friend and Patron to Men of Learning and Religion, especially to the Clergy, to whom he always shew'd a particular Respect. The Interests of our College he tenderly regarded while he lived; and at his Death he enrich'd it by a generous Donation.

All who had the honour of an acquaintance with him and his Family, knew him to be one of the most tender Husbands, a kind indulgent Master, a good Neighbour, and an affectionate Friend. As in his own House his Behaviour was truly exemplary; so he was an eminent Pattern of just Deportment in the House of God: His unaffected Gravity and devout Attention, while engag'd in Divine Service there, shew'd him to be what he was at Heart, a Man of real Religion. This Religion was his Support and Comfort in the Hour of Death. He had the Exercise of his Reason during the whole of his Sickness; and all along discover'd that Humility, Patience, Charity and Confidence in his GOD and SAVIOUR, which one would wish to see in a dying Friend.

His virtuous Consort, (to whom he owed no small Part of the Happiness of his Life,) was one of the Daughters of Colonel JOHN WAINWRIGHT of *Ipswich*. By her he had several Children, who all died in their Infancy. This Lady still lives to deplore her great Loss, and mingle her Tears with those of the Public."

He was buried in the Dudley Tomb¹ in Roxbury.

In his will dated January 1, 1750, probated February 15, 1750, he gave to Harvard College £133. 6. 8 to be appropriated as he should direct. And by another instrument he afterward ordered the yearly income of that sum to be applied toward supporting an anniversary sermon or lecture to be preached at the College once every year on certain topics selected by him.

This is the "Dudleian Lecture" which is still given according to his will.

¹ 1 Proc. Mass. Hist. Soc., XX. 212.

Historic Burial Places of Boston and Vicinity; Old Roxbury Burial Ground, in Proceedings of the American Antiquarian Society, New Series, VII. 404.

By his wife, Lucy Wainwright,¹ whom he married in Ipswich, September 15, 1703, he had several children² who died in infancy.

His portrait³ and that of his wife are in the possession of Dudley Richards Child, of Boston.

He was the author of the following works:—

Objections to the Bank of Credit Lately Projected at Boston. Being a Letter upon that Occasion, to John Burril, Esq; Speaker to the House of Representatives for the Province of the Massachusetts-Bay, in New-England. *Better is a little with Righteousness, than great Revenues without Right.* Boston: Printed by T. Fleet, in Pudding-Lane, near King-Street. 1714.

An Essay on the Merchandise of Slaves & Souls of Men, Revel. XVIII. 13. With an Application thereof to the Church of Rome. Added; an Exercitation on Numb. XXXII. 10, 11, 12, with an occasional Meditation on I. Sam. XXIII. 11, 12. By a Gentleman. Boston in N. E. Printed by B. Green. 1731.

and the following papers in the Philosophical Transactions of the Royal Society of London:—

¹ "The Character of a Christian's Life and Death illustrated. A SERMON Upon the Death of Mrs. Lucy Dudley, Relict of the late Honourable Paul Dudley, Esq; Who Died October 24, 1756. Æt. 72. Preached at Roxbury, October 31, 1756. By Amos Adams, A.M. Pastor of the First Church in Roxbury. BOSTON: Printed and Sold by EDES and GILL, next to the Prison, in Queen-Street, 1756."

The Boston News Letter of January 13, 1757, contains the following: "To BE LETT, The Mansion-House of the late Hon. Judge DUDLEY, deceased in Roxbury; together with the Coach-House, Barnes, and other out Buildings; and Gardens; with about Thirty Acres of Land. Enquire of Samuel Williams, Retailer, or Thomas Dudley, of Roxbury aforesaid."

² The births of these children are recorded in the Boston Records. Their baptisms are to be found in the Records of the Brattle Street Church. Dudley was admitted to full communion with the First Church in Roxbury, December, 1696.

Judge Sewall (Diary, II. 129), under date of April 26, 1705, notes the burial of the first born of these children.

"Mr. Paul Dudley buries his little son Thomas: . . . On the coffin was nail'd a little Plate of Lead with this Inscription

Thomas Dudley.

Pauli Dudlei Armigeri et Luciae uxoris Filius primogenitus, Nepos Josephi Dudlei Gubernatoris Novæ Angliae. Natus est 13. Aprilis 1705. Obi't 25 ejusdem.

³ There is a photographic copy of each of these portraits and of the "Parting Stone 1744 P. Dudley" in the Report of the Third Annual Meeting of the Governor Thomas Dudley Family Association. Dudley's portrait may be found also in the History of the Dudley Family, by Dean Dudley, I. 184; in the New England Historical and Genealogical Register, X. 343; and in the Rev. James De Normandie's account of the Roxbury Latin School in the New England Magazine (XVIII. 391). See also *Ibid.*, XIX. 641.

An account of the Method of making Sugar from the juice of the Maple-tree in New England	XXXI.	27.
A description of the Moose deer in America	XXXI.	165.
Account of the Poison-wood-tree in New England	XXXI.	145.
A method lately found out in New England for discovering where the Bees hive in the woods, in order to get their Honey	XXXI.	148.
An Account of the Falls of the River Niagara	XXXII.	69.
Of a new sort of Molasses made of apples	XXXII.	231.
Of the Degenerating of Smelts	XXXII.	231.
Account of the Rattle-snake	XXXII.	292.
An Account of an extraordinary cure by Sweating in Hot Turf; with a description of the Indian Hot-houses	XXXIII.	129.
Observations on some Plants in New England, with remarkable instances of the Nature and Power of Vegetation	XXXIII.	194.
An Essay upon the Natural History of Whales, with a particular account of the Ambergris, found in Spermaceti Whales.	XXXIII.	256.
An Account of a Stone taken out of a Horse at Boston, in New England, 1724.	XXXIV.	261.
An Account of the several Earthquakes which have happened in New-England since the first settlement of the English in that country, especially of the last, which happened in October 29, 1727	XXXIX.	63.

Some MS. notes are in the Boston Public Library. A diary kept by him in an interleaved Almanac for the year 1740 was printed in the New England Historical and Genealogical Register for January, 1881, XXXV. 28. See also *Ibid.*, XV. 58.

JOSEPH MARION.

1715-1717.

Joseph Marion, son of John Marion,¹ was born in Boston, June 10, 1686, and was baptized June 13, 1686, at the First Church, of which his father was a Deacon.

He was admitted to membership in the First Church, March 27, 1715.

¹ Memorial History of Boston, II. 546; History of the First Church, Boston, 1683; New England Historical and Genealogical Register, XLV. 86-88; Bridgeman's Inscriptions in King's Chapel Burial Ground, 264.

He was bred a scrivener.¹

At a Council² held in the Council Chamber in Boston, December 9, 1715,

“The Hon^{ble} The Lieutenant Governor nominated . . . Samuel Sewall Esq^r to be Judge of Probate of Wills in the County of Suffolk M^r Joseph Marion to be Register to the Judge.”

On the arrival of Governor Shute in 1716, Judge Sewall³ secured his own reappointment as Judge of Probate, but Joseph Marion was told that the Governor had already in London promised the place of Register of Probate to John Boydell.

Marion continued to attest, as Register, the Probate records to June 27, 1717.

At a town meeting⁴ held in Boston, March 13, 1715/6, he was one of the candidates for County Register, but Colonel John Ballantine received a majority of the votes cast, and was elected.



He was appointed May 10, 1716, Deputy Secretary⁵ of the Province, Samuel Woodward being then Secretary, but when Josiah Willard was appointed Secretary in the place of Woodward, December 4, 1717, the Council⁶

“Ordered That Joseph Marion Deputy Secretary to Sam^r Woodward Esq^r late Secretary of this Province, with all convenient speed make delivery of all publick records books & records of the Council & Assembly with the Seal of the Province, enrowlment of the Laws and Files of Papers & all utensils &c^a of & belonging to the s^d Secretary’s Office.”

¹ Judge Sewall, March 8, 1707 (Diary, II. 182), wrote some verses in honor of Queen Anne, who began on that day the sixth year of her reign, “Having got Mr. Joseph Marion to write the verses fair, I gave them to Mr. Winthrop, in the Governour’s absence, saying, I can’t drink the Queen’s Health, *parvum parva decent* — Accept of a small essay for the honor of my Sovereign.”

² Council Records, VI. 396.

³ Sewall’s Diary, III. 114.

⁴ Boston Town Records, II. 364.

⁵ Council Records, VI. 448; Boston News Letter, May 14, 1716.

⁶ Council Records, VI. 526, 527.

He was by occupation a scrivener, and for nearly twenty years after he ceased to be Deputy Secretary, the Council Records¹ show that warrants were continually issued to pay him for "writing for the Publick" "writing for the Gov^t," etc. etc.

In Judge Sewall's Letter Book² there is the following

"LETTER OF RECOMMENDATION.

Copy of a Certificat given Mr. Joseph Marion at his desire.

These are to certify whom it may concern, that when I had the Favour to be Appointed Judge of Probat for the County of Suffolke, by the Hon^{ble} William Tailer Esqr. Lieut. Governour, and Commander in Chief of this Province, with the Consent of the Hon^{ble} Council, Mr. Joseph Marion was at the same time Appointed my Register. And during that Relation, he behaved himself very agreeably, with Skillfullness, Industry, and Integrity. And after the said Marion ceased to be Register, he has frequently attended the Court of Probat as there might be Occasion, with suitable Demeanour, in Proving of Wills, pleading as an Attorney for Parties, writing for them, and forming their Accounts so as they might be received in the Court of Probat.

SAM^l. SEWALL.

BOSTON OF THE MASSACHUSETTS BAY,
February the Eleventh, 172^g."

He was appointed August 3, 1720, by the Archbishop of Canterbury a Notary Public.³

Joseph Hiller and Samuel Tyley, who had been elected by the General Court November 11, 1720, Public Notaries in Boston, memorialized the General Court, December 15, 1720,

"That M^r Joseph Marion of Boston Scrivener (as they are inform'd) takes upon him the Character & Acts as Publick Notary for the Province, Under Pretence (as is commonly said) of a Commission from his Grace the Archbishop of Canterbury,"

¹ Council Records, VII. *et seq.*

² Sewall's Letter Book, II. 261.

³ Province Laws, I. 731 note; General Court Records, XI. 108.

In the Boston News Letter of October 31, 1720, Marion announces his appointment, August 3, 1720, by the Archbishop of Canterbury, as Notary Public, and adds:—

"N. B. The said Marion keeps his Office on the North side of the Court House or Exchange in Boston, where the Merchants, Trading part and others may be furnished with all Instruments of Conveyances, Sales, Contracts, Agreements, and Merchants Affairs, as well as other Clerkship with Fidelity and Dispatch. *Boston in New England, Octob. 24th Anno Dom 1720.*"

and they asked the Court to interpose. After a hearing before the whole General Court, at which his commission was produced and read, a Resolve was passed that the nomination and appointment of persons to the office of Public Notary

“of right & by Virtue of the Royall Charter is vested in his Majesties Governm^t: of this Province & has been at all Times So practised, And that for any person or persons within this Province to Claim or Act in the s^d: office without a Commission from this Governm^t: is Contrary to and a Breach of the priviledges of the Royall Charter, and that M^r: Joseph Marion be Served with a Copy of this Resolue, & be directed to Act no further as Notary Publick in this Province, Unless he be chosen to that office by this Court.”

Notwithstanding this Resolve, Marion continued to act as notary.¹

In 1724 he opened the first insurance office ever established

¹ In the Boston News Letter of December 15, 1737, there is the following announcement:—

“ WHEREAS some Invidious and Evil-minded Person for a considerable Time past, has industriously Reported in and thro’ this Town and Province, and the adjacent Provinces and Colonies, That Joseph Marion, dwelling in Boston in New England, who by Royal Authority on the third of August 1720, was appointed a Notary and Tabellion Publick, is superseded in his said Office of Notary; which Report could be with no other Design than to impose on the Publick, and injure the said Marion in his Living and Employment,

THESE are therefore to Certify the Merchants, Trading Part, and others, that the said Report is altogether groundless, and without the least shadow of Truth: For that the said Marion still Holds and Exercises his said Notarial Faculty, in like manner as he has done for seventeen Years last past, at his Office in King-street, Boston, opposite to the North Door of the Court-House or Exchange; where the Merchants, Trading Part and others, may be furnished with all Instruments of Conveyances, Sales, Contracts, Agreements and Merchants Affairs, as well as other Clerkship with Fidelity and Dispatch.”

To this a reply was made in an advertisement of John Stuart, published also in the Boston News Letter of December 15, 1737, reciting that whereas some Invidious and Evil-minded person, supposed to be Joseph Marion, had, in the Gazette of the 12th inst. and in other places, publickly advertised that the said Marion is not superseded in the office of Notary Public, but that the said Marion still holds his Notarial Faculty appointed August 3, 1720, which advertisement could be with no other design than to injure said Stuart, these are to certify that said John Stuart is the only person, commissioned by the Archbishop of Canterbury, now in the Province to act as Notary and Tabellion Publick; that the said “Stuart still keeps his said Office at Mr. John Franklin’s between the Dwelling-Houses of Messi Andrew Lane and said Marion at the North side of the Town House, where the said Marion as well as all Gentlemen, Merchants and others” may be furnished with writings. “So that the said Marion, may not think it altogether an Imposition on the Publick if there is such a Report that he is superseded in his aforesaid Office,” etc., etc.

in Boston.¹ He is thought to have been "the first underwriter ever known in Boston; and, what is more, the first person in America to enter definitely into this business."²

He also carried on a Lottery Office, disposed of lands and general merchandise by lottery,³ and was one of the partners in the Land Bank⁴ of 1740.

He was active in town meetings, served on numerous committees,⁵ and was one of the sufferers in the Great Fire of

¹ In the Boston News Letter of Dec. 26, 1745: —

"The Publick is hereby advertised, That the INSURANCE-OFFICE first opened in *Boston*, Anno Dom. 1724, by *Joseph Marion*, Notary-Publick, is still held and kept by him on the North Side of the Court-House, near the Head of King-street, where Money upon the Bottom of Ships and Vessels may also be obtained for a reasonable Premium; which Affair of Merchandize as well as other Clerks-hip, the Trading Part and others may be by him furnished, with Fidelity and Dispatch."

He seems to have contemplated, a few years later, an assurance office to insure houses and household goods, for The New England Weekly Journal of November 25, 1728, contains the following notice: —

"Whereas a Scheme is Projected for the Erecting an Assurance Office for Houses and Household Goods from Loss and Damage by Fire in any part of the Province of the Massachusetts-Bay, by the Name of the *New-England Sun-Fire Office in Boston* . . . the said Scheme or Proposals may be seen at the Office of *Mr. Joseph Marion* on the North side of the Court-House or Exchange in Boston."

² Memorial History of Boston, IV. 179, ch. vii.; Insurance in Boston, by Osborne Howes, Jr.

³ Boston News Letter, September 14, 1719. See also Suffolk Court Files, CXXVI. 12, 37; CXXVIII. 139, 140.

⁴ New England Historical and Genealogical Register, L. 187, 310; Mass. Archives, CII. 53.

A photographic copy of a bill of the Land Bank payable to Joseph Marion or order may be found in Andrew McFarland Davis's "Currency and Banking in the Province of the Massachusetts-Bay," II. 224. See also Publications of the Colonial Society, III. 12.

⁵ Some of these committees were as follows: —

At a town meeting held March 10, 1734/5, he was appointed one of a Committee to consider the petition of the inhabitants of Rumney Marsh (Town Records, III. 142).

At a town meeting held May 7, 1735, the Selectmen made a report on Mr. Marion's Proposals referred to them March 12, 1734/5. These proposals were eight in number and in writing, signed by Joseph Marion. One of these proposals was

"That as the Release of Mr. Blackston the First Proprietor of the Town of Boston made by him to the said Town is now on File in the Town Clerk's Office, as also the Indian Deeds to the Select Men — That the Said Release and Deeds be Registered by the Town Clerk in his said Office, That so the Town may have Recourse to the same when there may be Occasion therefor" —

Another, — "That all Deeds, Leases, Releases, and Instruments in writing made and Executed by the Select Men of the said Town in their said Capacity or the Town-Treasurer in his said Capacity be Registered by the Town Clerk in a Book of Records to be specially kept for that purpose — By which Means, a

1760, "the most terrible Fire that has happened in this Town, or perhaps in any other Part of North-America, far exceeding that of Octo. 2, 1711."¹

The Boston Gazette of Monday, October 12, 1761, contains the following: —

"Yesterday morning died here, Mr. *Joseph Marion*, aged about 76 Years. We hear his Funeral is to be attended on Wednesday next."

few Hours may discover a Hundred Years Transactions, When much time may be spent in Searching for Papers on File — Which Files are liable to be Mislay'd, or lost, — Of which the Town has a Memorable Instance in the loss of a Paper of the greatest concern to the Town." (Town Records, III. 157.)

At a town meeting held August 5, 1735, he was chosen one of a Committee to draw up an answer to the "Petition of John Bowles, Thomas Tilestone, and Seven Others, Representatives of several Towns within the County of Suffolk, preferr'd to the Great and General Court — Praying, That Boston may be a County by itself, And the Country Towns in the County of Suffolk a County by themselves." (*Ibid.*, III. 166.)

At a town meeting held November 21, 1738, he was chosen one of a committee to draw up an answer to the "Petition of Sundry of the Inhabitants of the District of Rumney-Marsh, within the Township of Boston, Presented to the Great and General Court, to be Set off and Erected A distinct and Separate Township." (*Ibid.*, III. 321.)

At a town meeting held May 2, 1739, he secured the appointment of the committee "to Consider of Ways and Means for Retrenching and Lessening the Annual heavy growing Charge of this Town." (*Ibid.*, III. 355.)

He was also on various committees in 1740-1742 in regard to encroachments on the Town's rights at Fort Hill. (*Ibid.*, III. 404, 415, 416, 432, 464, 468, 477.)

At a town meeting held March 14, 1742/3, there was "A Motion made by Mr. Joseph Marion that the Thanks of the Town be given to Mr. John Lovell for his handsome Performance in the Forenoon in Pronouncing the Oration desired of him by the Select Men on Occasion of the Death of Peter Faneuil Esq: & that the same be Entred in the Records of the Town & that a Copy thereof be desired for the Press." (*Ibid.*, III. 511.) This was the first meeting held in Faneuil Hall since the death of Peter Faneuil. The oration of Master Lovell is recorded in the Town Records, III. 527.

He was one of the committee appointed May 19, 1742, to pray the General Court for relief as to the Town's proportion of the Province Tax. Their report is recorded in the Town Records, III. 523.

At a town meeting held March 25, 1745, there was "A Motion made by Mr. Joseph Marion, that as the Old Brick Church Bell which for many years past has been rung at five and eleven a Clock in the forenoon, and nine in the Evening is now broke, the Town would direct that the old South Church Bell shall be rung at those hours." (*Ibid.*, IV. 56.)

At a town meeting held May 17, 1745, he was one of the committee to audit the Accounts of the Town Treasurer and of the Overseers of the Poor. (*Ibid.*, IV. 78.)

¹ Boston Post Boy & Advertiser, March 24, 1760; Report of the Record Commissioners, XXIX. 78; New England Historical and Genealogical Register, XXXV. 288; Boston News Letter, March 21, 1760.

But misfortune had before this overtaken him. See Suffolk Deeds, Lib. 77, fol. 176; Lib. 78, fol. 56, 262, 263, 264.

He was buried in the Granary Burial Ground, where his gravestone is still to be seen.

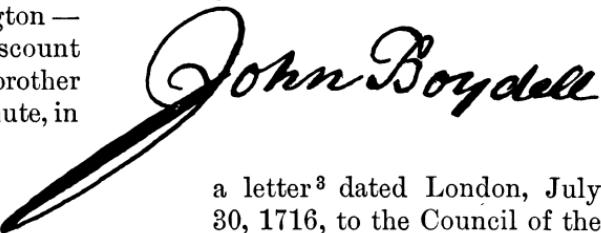
He married in Boston, June 7, 1711, Ellen Bridge, daughter of the Rev. Thomas Bridge,¹ by whom he had several children.

JOHN BOYDELL.

1717-1739.

John Boydell, son of Edward Boydell,² came to New England in 1716, as private secretary to Governor Shute.

John Barrington —
afterward Viscount Barrington — brother of Governor Shute, in



a letter³ dated London, July 30, 1716, to the Council of the Province of Massachusetts Bay, says: —

“But I hope I have given you the highest proof of my sincere esteem, and Affection for your Country, in consenting to part with an only Brother, and persuading him to give his Consent to be your Governour; . . . I have likewise parted with Mr. John Boydell [with Col. Shute], to be his privat Secretary. He has been in my family many years, where he rendred me very faithfull Services, to my utmost Satisfaction. I cannot omit this opportunity of Recomending him to you, as a person you will find extreamly faithfull and capable in any thing the Governour shall recomēnd him to, and you employ him in.”

Judge Sewall,⁴ under date of December 24, 1716, records the fact that he dined that day with Governor Shute at Mr. Bromfield’s: —

“Before I went to Diner, Mr. J. Maryon told me that upon his petitioning for the Governour’s Favour as to the place of Register: His Excellency said, He had promised it to Mr. Boydell in London. And after Diner at Mr. Bromfield’s; his Excel. took me aside, and told me he intended to make Mr. Boydell my Register; would do little but settle the Judges this Council, which was like to be but thin.”

¹ History of the First Church in Boston, by A. B. Ellis, p. 163.

² Sewall’s Diary, III. 369.

³ Sewall’s Letter Book, II. 61.

⁴ Sewall’s Diary, III. 114.

And when Judge Sewall waited on the Governor, June 19, 1717, to secure his own reappointment as Judge of Probate, he adds that Governor Shute¹

“ Mention’d Mr. Boydell, for Register; I said if he could condescend, ‘twas a Laborious place.”

There is an hiatus in the Council Records of this date, but Boydell began to attest the Probate Records as Register July 8, 1717, and he held the office until his death.

Judge Sewall also records the following: ²—

“ Tuesday, Xr. 23, [1718]. Supe^r Court, Fined Capt. Tho. Smart, and Mr. John Boydell, for Duelling on Tuesday, Xr. 16. in the Common near Mr. Sheaf’s House, £10. each; 24. Hours Imprisonment, and order’d them also to find Sureties for their good Behaviour till the Sessions in May. Mr. Sheriff Winslow had them to Prison. Clock struck Four when the Sentence was pass’d.”

In 1722 Boydell made a visit to England,³ returning the following year. During his absence Benjamin Rolfe filled his place as Register of Probate.

Boydell was also Register of the Court of Vice-Admiralty and one of the Naval Officers for the Port of Boston.

He was also in 1736 one of the Prince subscribers.⁴

Governor Belcher in a letter⁵ dated Boston, April 24, 1732, to ex-Governor Shute, who had returned to England, says: —

“ Mr. Boydell & his wife are very easy under their present circumstances. I suppose what he enjoys under me makes him 4 to £500 a year, and his grocery shop⁶ (doubtless) maintains the family. He is a very honest man, & I am glad in his welfare.”

¹ Sewall’s Diary, III. 133.

² *Ibid.*, III. 208.

In a “List of the Well disposed Gentlemen and other Persons that Contributed their assistance for the Building a Gallery, a new Pulpit, and adorning the Kings Chappel in Boston, and the Paving before it in the Year 1718,” appears the name of “John Boydell £ 5” (*Annals of King’s Chapel*, I. 265.)

³ Sewall’s Diary, III. 310, 311; Sewall’s Letter Book, II. 147, 157; Council Records, VII. 409.

⁴ New England Historical and Genealogical Register, VI. 190; Memorial History of Boston, II. 561.

⁵ Belcher Papers, I. 114.

⁶ The Boston News Letter, June 3, 1731, contains the following advertisement: —

“ Mrs. Hannah Boydell, Wife of Mr. John Boydell (*Register of Probates for the County of Suffolk*) Sells Tea, Sugar, Coffees, Chocolate, Starch, Indigo, Spices, and other Grocery Ware, reasonably, in a Shop adjoining to the Naval Office, and over against the Bunch of Grapes Tavern in King-street, Boston.”

In a letter¹ to Lord Barrington dated Boston, October 21, 1732, Governor Belcher writes: —

“ **MY LORD,** — Sometime the last month I gain’d your favour of 24 June, wherein I observe your Lordship’s kind acceptance of the assurances I had given your Lordship & M^r Boydill of serving him still further in the Naval Office; and your Lordship will always find my promises grow into performances when in my power, M^r Boydill having had the half of the Naval Office conformable to the time I wrote your Lordship. I am now further to acquaint your Lordship that M^r Marshal, the late postmaster here, dy’d about 14 days ago, upon which M^r Boydill came to me & desir’d I wou’d appoint him his successor ‘till orders appear’d from the Commiss^r of the Post Office at home, or from Coll^u Spotswood, of Virginia, Deputy Postmaster General of North America, and that if he might be confirm’d in the Post Office here he wou’d quit his half of the Naval Office, which is worth but ab^t £200, and the other (*viis & modis*) near £400 a year. Upon M^r Marshal’s death I immediately fill’d up the vacancy by M^r Boydill, and wrote the inclos’d in his favour to Coll^u Spotswood; and since that I have recd one from Coll^u Spotswood, of which the inclos’d is a copy, and have this day fill’d up the blank in Coll^u Spotswood’s commission with M^r Boydill’s name & deliver’d it to him. Notwithstanding M^r Boydil is apprehensive that several will be endeavouring to get a deputation from the Commissioners of the Post Office at home, or a recommendation from them to M^r Spotswood, that may endanger M^r Boydill’s removal. It’s a pretty place that don’t require much attendance, in which M^r Boydill wou’d be glad to be establisht, and if your Lordship cou’d procure a letter from Gov^r Harrison & M^r Cartwright (the Commiss^r) to M^r Spotswood, approving of what he has done in favour of M^r Boydill, the matter wou’d be compleat. And if you are inclin’d to do good to an old faithfull servant, I don’t know when your Lordship will have an easier or better opportunity; but of this M^r Boydill writes you more particularly. As this office depends cheifly on the trade, I wou’d only add that M^r Boydill is very acceptable to the trading part of this country.”

Governor Belcher in a letter² dated Boston, December 6, 1732, to ex-Governor Shute, says: —

“ Since my last I have prevail’d with Coll^u Spotswood to appoint M^r Boydill postmaster here (in the room of M^r Marshall de~~cd~~), upon which he resigns the half of the Naval Office, — the postmaster’s place being (as he supposes) much better. As I wrote you before his grocery shop full out supports his expence, and his places are

¹ Belcher Papers, I. 209.

² *Ibid.*, I. 221. See also *Ibid.*, I. 231, 370, 456, 512.

Postmaster	400.
Admiralty Register	150.
Probate ditto	150.

is £ 700 a year.

I think his lott is fallen in a pleasant place, and he can't fail of doing well."

Boydell succeeded Marshall not only as postmaster but also as publisher of the "Boston Gazette."¹ He continued to publish the "Gazette" even after he retired from the postmastership in 1734. He was its publisher up to the time of his death. After this, it was printed for the benefit of his family until 1741, when it fell into other hands.

Governor Belcher in a letter² dated November 19, 1739, to Sir Charles Wager speaks of "M^r John Boydill, who is now dangerously ill," and in a letter³ to Peter Warren — afterward Vice-Admiral Sir Peter Warren — dated Boston, December 24, 1739, he says: —

"Poor Boydill, after a strong struggle with a fever, jaundice, &c^a, dyd the 11 currant, belov'd as much as any man in his life & so lamented in his death."

The Boston Gazette of Monday, December 17, 1739, contains the following obituary notice: —

"On Tuesday last died here in the 49th year of his age, John Boydell, Esq; late Publisher of this Paper, and some time Deputy Post-Master within this and the three neighboring Governments, than whom

¹ Professional and Industrial History of Suffolk County, The Postal Service, by C. W. Ernst, II. 457; Memorial History of Boston, The Press of the Provincial Period, by Delano A. Goddard, II. 892; Transactions of the American Antiquarian Society, History of Printing in America, by Isaiah Thomas, VI. 29, 30, 225.

The Boston News Letter of June 27, 1734, contains the following: —

"From New York, We have Advice, That they were credibly informed, that Mr. *Ellis Huske* will be appointed Post-Master of *Boston*, Mr. *John Boydell* having desired to resign that Place, and Col. *Spotswood* (in whose disposal it is) having promised it to the said Mr. *Huske*, whenever it became vacant."

In the same issue of the News-Letter is this announcement: —

"We are well inform'd that Mr. *Boydell* (Life permitted) will continue to publish his News Paper call'd the *Boston Gazette*, for his Customers both in Town and Country, after he is succeeded as Post-Master of *Boston*."

The Boston Gazette of December 17, 1739, contains the following: —

"This is to acquaint the Publick, That this Paper will be carried on as usual for the Benefit of the Family of the late Publisher Mr. *John Boydell*, deceased."

² Belcher Papers, II. 494.

³ *Ibid.*, II. 255.

none ever lived in this Province more generally esteem'd and beloved, as an honest worthy man, by Persons of all Ranks, Perswasions and Parties, or was more lamented as such at his Death. He first came over from England into this Country in the year 1716, Secretary to the late worthy Governor *Shute*, and Register of the Court of Vice Admiralty for this Province, New Hampshire and Rhode Island; after which he was appointed Register of the Court of Probate of Wills, &c., for the County of Suffolk, and Naval Officer for the Port of Boston; all which offices he discharged with such singular diligence, integrity and goodness, that this community never lost a more useful and valuable member, than he was in his degree and station."

In his will dated December 9, 1739, probated December 20, 1739, he mentions his wife Hannah, his sons Edward and John, and his daughters Martha and Mary, his "Honour'd Mother" and his "Dear Sister now living in England."¹

¹ In Suffolk Court Files, CCCXLIX. 147, there is a letter dated November 26, 1741, and addressed to J. Yeaman Esq^r. It is unsigned, but was probably written by John Payne. It begins as follows: —

"SIR,

I wrote you p^r Cap^t Watts of the Death of M^r Boydell since which one M^r Goldthwait at the request of the Gov^r has taken the admiñacon of the Estate. he is a very capable & also a very honest Man and believe he will do every thing in his power for the benefit of the Estate.

It is very Surprizing that M^r Boydell (who was a perfect Slave to Mankind in General) should not have one Friend that wou'd undertake the admiñacon, but so it is, and it was 3 Weeks after her death before there was an ad^mr appointed tho' all his Friends were desired to undertake it.

The Family are now broke up, and the greatest part of y^e Goods disposed of. M^r Patty is at M^r Middletons who is a relation to M^r Peagrum. Polly is with Col. Hatch and Jack is at present at a Boarding School. M^r Bolland promised his Mother to take him and he intends to do it when he is fit. Before the admiñacon was Granted I took out all the Letters that pass'd between M^r Boydell & you and also those of your Family & his Letter Book & deliverd them to Miss Patty as thinking 'em not proper to come into the hands of the Admin^r and those Papers that related to your Estate here I delivered to the Gov^r . . . I beg pardon for Troubling you so long, y^e reason of w^{ch} was I thought you wou'd desire to know the State of M^r Boydells affairs.

Sent p Fones Nov. 26. 1741.

I am S:

Yor^r hum^ble Serv^r

J. Yeaman Esq^r."

The Boston News Letter of July 26, 1744, contains the following: "We have also Advice from Jamaica of the Death of Capt. Cobbet and Mr. Edward Boydell of this Town."

In the Mass. Archives (V. 481-486), there is a letter dated Boston, March 18, 1746/7, addressed to the Governor-General of Canada concerning the exchange of prisoners of war held by the French. Among those prisoners then in Canada whose exchange was demanded was "John Boydell a Youth of about 19 Years of Age taken in a Vessel coming from Louisbourg by one of the late Duke d'Anville's Squadron."

In one of the inventories of his estate, which was appraised at £2277. 13. 9. there are, among other items, the following:—

“ Negro Philip	£70 ”
“ Judge Sewalls Picture	15
Judge Byfields D ^o	15
Judge Auchmutys D ^o	15 ”

BENJAMIN ROLFE.

1722-3. 1726-8.

Benjamin Rolfe, son of the Rev. Benjamin Rolfe¹ of Haverhill, was born in Haverhill September 2, 1696.

In the Indian attack on Haverhill his father, mother, and youngest sister were killed.

Benj. Rolfe

“ At the assault on Haverhill, at daybreak, on Sunday, 29 August, 1708, the enemy immediately attacked Rolfe’s house. He sprang out of bed, braced himself against the door which they were trying to force open, and unavailingly called for assistance from the soldiers who were in his house. The enemy fired through the door two balls, one of which wounded him in the elbow. According to one statement the ball killed him. But the most probable is, that the Indians pressed against the door so hard, that Rolfe, being wounded and no longer able to resist successfully, fled through the house and out at the back door, and was tomahawked at the well by the Indians who pursued him. One soon sunk the hatchet into his wife’s head, and another, taking the youngest child from her dying grasp, dashed its head against a stone near the door. Upon the first alarm, Hagar, the negro slave, jumped from her bed, and took the young girls Mary and Elizabeth into the cellar, placed them under tubs, and concealed herself behind some barrels. The Indians plundered the cellar, repeatedly passed the tubs, even stepping on the foot of one of the children, drank milk from the pans and dashed them on the cellar bottom, and took meat from the barrel behind which Hagar was concealed, without discovering either of them. An intrepid man, named Davis, went behind Rolfe’s barn, and with a large club pounded it so violently, at the same time calling on the men by name, and giving orders for an attack, that the party in Rolfe’s house became alarmed, and, after attempting to set the house on fire,

¹ Sibley’s Harvard Graduates, III. 310; New England Historical and Genealogical Register, II. 353, III. 151, XXXI. 87, XXXVI. 143.

precipitately left. Another female named Anna Whitaker, who then lived in Rolfe's family, concealed herself in an apple chest under a flight of stairs, and was not discovered.”¹

Father, mother, and child were buried in one grave. The surviving children, four in number, were placed under the guardianship of their uncles, John and Henry Rolfe of Newbury.²

Benjamin the son was bred a scrivener. The Boston News Letter of August 11, 1718, contains the following advertisement:—

“These are to give Notice, that Mr. *Benjamin Rolfe* who served an Apprenticeship with *Addington Davenport*, Esq; now keeps a Scriveners Office at the New Brick House next to the late Mr. Secretary *Addington's* Deceased near the lower End of the Town House in King's-Street, Boston.”

Elisha Cooke, Clerk of the Superior Court of Judicature, having incurred the resentment of the Governor on account of words spoken over a bowl of punch, His Excellency informed the Judges of that Court that “he expected he should be remov'd from his Clark's place.” While the matter of Cooke's removal was still pending, Judge Sewall writes in his Diary³ the following:—

“Feb. 18. [1718/9]. After the Council, Mr. Tylle speaks to me for the Clark's office if the place be vacant. Mr. B. Rolfe, and Mr. Treasurer's Son had done it before. Judge Menzies and Mr. Boydell visit me.”

And again: ⁴—

“Midweek, Feb. 25. [1718/9]. The Judges met p.m. in the Council-Chamber, before the Meeting of the Council; and after some arguing, Sewall, Lynde, Dudley, Quincey, gave their Opinion, that all things Considered, twas convenient to dismiss Mr. Cooke from being Clark of the Super. Court. Mr. Davenport mention'd his Relation, and voted not, or voted the contrary way.

¹ Sibley's Harvard Graduates, III. 312, 313.

² Essex Probate Records, Nos. 24102, 24104.

³ Sewall's Diary, III. 212.

⁴ *Ibid.*, III. 212.

See also Catalogue of Records and Files in the office of the clerk of the Suffolk Supreme Judicial Court, 75. Benjamin Rolfe sworn February 26, 1718-9. (Records Superior Court of Judicature, [IV.] 1.) Reappointed January 28, 1728-9. (*Ibid.*, [VII.] 185.) Reappointed April, 1735, sworn May 13, 1735 (*Ibid.*, [X.] 193.)

Then, in the Closet, voted it convenient to have Two Clerks. Then I told the Judges, Though they put me upon Nominating, yet would have them previous to it, freely confer about it. I acquainted them that Mr. Benjamin Rolfe, Mr. Samuel Tylle, Mr. Treasurer Allen's Son, had been mentioned to me, and Mr. Jn^o Boydell. Some spake of Mr. John White, if there was but one Clerk. Mr. Davenport said his son was under Age, he would not mention him. Mr. Lynde said he would have mention'd his Son but for the same reason. All inclin'd to the two first save Mr. Lynde; and he came over. I nam'd Mr. Tylle, and he was Unanimously voted, then I named Mr. Rolfe, and he was likewise Unanimously voted.

Feria quinta, Feb. 26. Gave our New Clerks their Oaths, all sign'd it: I drew it up all save the last words about Fees.

All sign'd an order to Mr. Cooke to deliver the books, Files, Seal — He delivered the Seal and asked 20. days for the rest."

Judge Sewall gives this account¹ of the appointment of Benjamin Rolfe to be Register of Probate, during the absence in England of the Register, John Boydell: —

"Oct^r 8. [1722]. Mr. Boydell, told me he intended to go to England in Lethered, and propos'd Mr. Rolfe to supply his place in his absence; which I was surpris'd at; I think I mention'd Mr. Tylle. He had spoken to me, and had serv'd a hard Aþprenticeship in the place.

8^r 10th Mr. Boydell prefers a petition to the Gov^r and Council, that Mr. Rolfe might supply his place in his absence. I take this to be a direct breach on the Order used to be observ'd in Nominations. I said, it ought to be a Gen^l Council: Mr. Belcher seconded me. Mr. Davenport pleaded that any Council might do for this. At last an Appointment was made to call a Council. When men's privat self-Interests are to be served, then Methods may be broken in upon; which at other times will be strenuously urged; and by none more than by Mr. Davenport. Gov^r gave a paper to Mr. Davenport to be cnsidered by the Judges. And his Excellency in that mañer frequently passes over me. May the Blessed God reach out his Hand to me; and that shall abundantly suffice!"

At a Council² held at the Council Chamber in Boston, Friday, October 19, 1722,

"The General Council for civil Officers being met according to appointm^t His Excellency was pleased to nominate M^r Benj^a Rolfe to be Reg^{ter} of Wills for y^e county of Suffolk in the room of M^r John Boydell & during his absence.

To which nomination His Majestys Council advised & consented."

¹ Sewall's Diary, III. 310.

² Council Records, VII. 409.

Judge Sewall¹ thus comments on this appointment:—

“Oct^r 19. Mr. Rolfe is made Register. I said I am many times better provided for by others than by myself. I tried before the Council met, and found if I had used my Interest for I——e M——r. it would not have pass'd.”

Rolfe performed all the duties of Register of Probate until the return of Boydell, who resumed his attestation of the records with volume twenty-three, which begins September 30, 1723.

At a Council² held in Boston, February 23, 1726, the Lieutenant-Governor nominated

“M^r Benjamin Rolfe to be Register to the Judge of the Probate of Wills & for granting Letters of Administration &c in the County of Suffolk so far as relates to the Administration on the Estate of Thomas Lewis³ dece^d in the room of M^r John Boidel (the standing Register) in case the s^d Judge should see cause to grant Administration on the s^d Estate to the said John Boidel. The s^d Benj^a Rolfe to have y^e Administration Bond in his Custody.”

The Council Records⁴ show continual payments made to him for “writing for y^e Publick” and “writing for Gov^r” from 1720, at least, down almost to the time of his death.

August 14, 1722, he was allowed £4. 5s. “for his service as Clerk to the Commissioners appointed to meet the Indians at Arrowsick in July 1721.”⁵

June 28, 1734, he was appointed a Justice of the Peace for the County of Essex.⁶

On his petition in behalf of himself and the other children and heirs of his father, the Rev. Benjamin Rolfe, the General Court, December 23, 1735, granted to them a tract of land “lying on the West side of the Town of Lunenburg,” not to exceed six hundred acres.⁷

¹ Sewall's Diary, III. 311.

² Council Records, VIII. 523.

³ Thomas Lewis was Postmaster of Boston. When administration on his estate was granted to John Boydell, a creditor, and therefore an interested party, the appointment of a special “Register in y^e affair” became necessary.

⁴ Council Records, VII., VIII., IX., X.

⁵ *Ibid.*, VII. 390.

⁶ *Ibid.*, IX. 520.

⁷ General Court Records, XVI. 242^a.

By deed dated September 18, 1750, recorded with Worcester Deeds, Liber 32, folio 84, Benjamin Rolfe of Boston, gentleman, one of the children of Benjamin

December 23, 1737, a warrant was ordered to be issued¹ to pay Benjamin Rolfe "Register of the Special Court of Admiralty for trying Pirates, of the Charge of the Trial of John Barns," £66.19 to be by him paid to the persons to whom it was due.

He was elected by the General Court² June 28, 1727, one of the two Notaries Public for the Port of Boston, and was annually re-elected to that office until the year of his death.

The November Term, 1738, of the Superior Court of Judicature was held at Salem,³ and Benjamin Rolfe was there in the performance of his duties, when he was overtaken by death in the manner described in the following notice from the Boston News Letter of Friday, November 24, 1738:—

"We hear from Salem, That last Tuesday Night Mr. *Benjamin Rolfe*, of this Town, one of the Clerks of the Superior Court of Judicature, having eat his Supper, went to Bed as well in Health, to all Appearance, as he had been for a long Time, but was the next Morning found Dead in his Bed."⁴

He married in Boston, March 1, 1719/20, Elizabeth Garland, by whom he had several children.

Rolfe late of Boston, gentleman, deceased, who was the eldest son of the Rev. Benjamin Rolfe, late of Haverhill, clerk, deceased, conveys to John Greenwood of Boston, painter, all his interest in the said tract of six hundred acres.

¹ Council Records, X. 164.

² General Court Records, XIII. 374.

³ Records of the Superior Court of Judicature, XII. 1.

⁴ The Boston News Letter of February 15, 1739, says:—

"Mr. John Walley, jun. of this Town, is appointed one of the Clerks of the Superior Court of Judicature, Court of Assize, &c. in this Province, in the Room of Mr. *Benjamin Rolfe*, lately deceased."

The Boston News Letter of March 30, 1739, contains the following advertisement:—

"*ALL SCRIVENERS BUSINESS done by Daniel Marsh, at his House opposite to the Governours, agreeable to the Rules of the late Mr. Benjamin Rolfe, deceas'd.*"

The advertisement of Benjamin Pollard, Notary Public, in the Boston News Letter of March 20, 1740, adds:—

"*The said Pollard has employ'd William Morto, Clerk of that late accurate Conveyancer Mr. Rolfe, and with his Assistance will give constant Attendance and Dispatch to the aforesaid Business.*"

ANDREW BELCHER.

1739-1754.

Andrew Belcher, eldest son of Governor Belcher,¹ was born in Boston November 7, 1706, and was graduated at Harvard College in the class of 1724.

When his father sailed for London in 1729, as agent of the Province of Massachusetts and Colony of Connecticut, the son went with him.² It was while in England upon this mission that his father received the appointment of Governor of Massachusetts and New Hampshire, his commission bearing date January 8, 1729-30. He landed in Boston on his return August 10, 1730.

Governor Belcher's second son, Jonathan Belcher, Jr., who was graduated at Harvard College in the class of 1728, entered upon the study of the law at the Middle Temple, London. It was the Governor's desire that his eldest son also should be bred to the law, but the latter had apparently little taste or aptitude for a professional life, and in a letter³ dated July 18, 1733, to Lord Townshend, the father writes:—

“ After all my own inclinations, my Lord, I have been in a great measure oblig'd to conform 'em to those of my children, where it respected their future employment in life. I wou'd feign have had my eldest son gone to the Temple, but he wou'dn't, and chose to be a man in trade.”

¹ New England Historical and Genealogical Register, XXVII. 289; XXXI. 57; IV. 345.

² The Boston News Letter of March 13, 1729, contains the following: “On Monday last the 10th Currant, early, sailed Capt. *Fones* for London, in whom went the Hon. *Jonathan Belcher*, Esq; and his Eldest Son.”

³ Belcher Papers, I. 508.

Governor Belcher writes to Francis Harrison, under date of Nov. 15, 1731:—

“ I am now become a perfect stranger to all trade & commerce, and my son who succeeded me therein has no concern in shipping.” (*Ibid.*, I. 455.)

In a letter to —— Davy, dated Boston, July 13, 1733, Governor Belcher recommends Meassrs. Foye, Belcher & Lyde as a good house for him to correspond with. “ The first of the house was in business with my father & self for about 30 years, and is perfectly knowing in all the trade of this country, and it's 9 years that my son has been in business, being about 27 years of age, and M^r Lyde marry'd my only daughter.” (*'bid.*, I. 507.)

Andw Belcher

In a letter¹ to George Bellamy, dated Boston, October 21, 1732, Governor Belcher, mentioning the death of Henry Marshall, the Postmaster of Boston, and publisher of the Boston Gazette, who had recently died, leaving no heirs in this country, says:—

“As my son Andrew is a merch^t I shou’d esteem it a favour that they wou’d order the administrator to pay the money here into his hands to be remitted them in such manner as they may direct. He is as capable of it as any body else, and the commission may be some small perquisite to him.”

Governor Belcher, in a letter² dated Boston, April 30, 1733, writes to his brother-in-law, Richard Partridge, who was then in London, in reply probably to the latter’s suggestion of a government appointment for Andrew Belcher:—

“If And^r will be diligent & mind his business, his compting house will be much more profitable than any paltry office in this government; and why can’t he live by business as I have done before him? I desire none of my children to work harder or take more pains to get into the world than I have done.”

Governor Belcher in another letter³ to Richard Partridge, dated Boston, May 28, 1733, says:—

“My son Andrew sends his brother⁴ p Crocker a cage with 5 flying squirrels, the dam & 4 young ones, the latter are very tame. I wou’d have Jonathan contrive to be introduc’d to the Princess Royal, and present them to her. I know they are a curiosity in England.”

In a letter⁵ dated Boston, January 7, 1734/5, to Lord Townshend, whose son, the Hon. George Townshend, was then in Boston, Governor Belcher refers to the latter as

“the Hon^{ble} M^r Townshend, who is so good as to make my house his home, and my eldest son (of 28 years of age) is his bedfellow and constant companion, and is highly pleas’d & honour’d therewith.”

¹ Belcher Papers, I. 208.

² *Ibid.*, I. 275. Andrew Belcher seems to have made one or more journeys to Connecticut in 1732-4, to look after his father’s property there. The Belcher Papers contain numerous letters from the father to the son, embodying the instructions for his visit, and from the father to Governor Talcott of Connecticut and others, introducing the son. *Ibid.*, I. 487, 488, 501, 502; II. 475. See also Collections of the Connecticut Historical Society, IV. 115, 282, 307, 312.

³ Belcher Papers, I. 299.

⁴ Jonathan Belcher, Jr., was then in London.

⁵ Belcher Papers, II. 184; see also *Ibid.*, I. 421.

Governor Belcher, in a letter¹ dated Boston, October 4, 1733, to Richard Partridge in London, refers to Benjamin Pemberton's

"bringing the King's order to rend from me the Naval Office, the one half whereof I gave my son Lyde² towards the support of his family, and intended the other half for my son Andrew (the whole office being worth about £550 this money)."

The order to the Governor to make Pemberton Clerk of the Naval Office was resented as being an encroachment on the rights and privileges of the Governor, that office having been always considered "an inseperable perquisite of his commission."

"However, I have obey'd the King's order, and given him a commission, tho' I have turn'd my children out of so much bread."

He asks Partridge to ascertain

"whether it may not be practicable to regain this office to my family, — I mean to get the King's patent either for my son Andrew or Lyde. . . . I wou'd realy leave no stone unturn'd to get it again, not only for the profit, but for my own honour."

Governor Belcher, in a letter³ dated Boston, October 4, 1733, writes to the Duke of Newcastle: —

"I have, my Lord Duke, reçd. his Majesty's commands for appointing M^r Pemberton Clerk of the Naval Office of this Province, which I wou'd humbly observe to your Grace is the first instance of the kind here, and seems to militate with the act of 7 & 8 of K. W. 3^d, where the Gov^r is made intirely accountable for that office, and is one of the best perquisites of this governm^t, all which his Majesty in his royal commission to me sayes, I shall hold & enjoy; yet the sight of his Majesty's order in that behalf commanded my ready obedience, and I have in compliance therewith turn'd my son out of the office, to whom I had given it to help support his family, and have put M^r Pemberton into possession thereof. How hard this is upon me, your Grace in your great goodness will please to consider, that while I have been constantly attacht to his Majesty's interest & honour in a strict adherence to all his royal instructions, and for that reason only have been kept out of my just support by the people, with great submission to your

¹ Belcher Papers, I. 376.

² Byfield Lyde and Sarah Belcher, daughter of Governor Belcher, were married August 17, 1727.

³ Belcher Papers, I. 385; see also *Ibid.*, I. 413.

Grace, to have the best perquisite of my government taken from me, I believe your Grace must think severe & discouraging to a good servant. I humbly pray your Grace wou'd so consider it, as that in a convenient time I may restore my son to the place, which will oblige me & my son to pray for your lasting health & happiness."

In a letter¹ dated Boston March 3, 1734/5, to his son Jonathan Belcher, Jr., in London, Governor Belcher says:—

"If any thing can be done about the Naval Office, and it be not finisht before this comes to hand, I shou'd rather it shou'd be given to your brō And^r than to your brō Lyde, because I have lately well provided for the latter by making him sole Clerk of the Inferiour Court, which is worth near £1000 a year."

Governor Belcher, in a letter² dated Boston, November 19, 1739, to Sir Charles Wager,³ asks that Andrew Belcher may be appointed

"Register of the Court of Vice Admiralty in New England in case of the death of Mr John Boydill, who is now dangerously ill."

The following is the letter⁴ of Governor Belcher, dated Boston, December 13, 1739, to Sir Charles Wager:—

"HON^{BLE} SIR,— The 29 last month I askt your favour for my son Mr Andrew Belcher to be Register of the Court of Admiralty here in case of a vacancy, since which Mr John Boydill, the late Register, dy'd (the 10th [sic] inst^t, in the morning), & I have this day appointed my son to be Register of the said Court, & pray he may have a commission from your board for that place in the usual form, which I shall esteem as a fresh obligation laid on, S^r,

Your Honour's most faithfull & most obedient servant.

J. B.

BOSTON, Decr 18, 1739."

¹ Belcher Papers, II. 191.

The Boston News Letter of August 27, 1741, has this announcement: "His Excellency has been pleased to appoint William Shirley, junr Esq; to be Naval Officer for the Province of the Massachusetts-Bay. This is to give Notice, that the Naval Office is now kept at the Office of Andrew Belcher, Esq; at Mr. Holmes's House in Kingstreet."

² Belcher Papers, II. 494.

³ Sir Charles Wager was then First Lord of the Admiralty.

⁴ Belcher Papers, II. 253. The Boston News Letter of Thursday, December 20, 1739, contains the following:—

"On Thursday last his Excellency the Goverour was pleased to appoint Andrew Belcher, Esq; to be Register of the Admiralty of the Provinces and Colonies of the Massachusetts-Bay, New Hampshire, Colony of Rhode Island, and Providence Plantations, and the Narraganset Country or King's Province in New England, in the Room of John Boydell, Esq; deceased."

In a letter¹ dated Boston May 7, 1740, to Richard Partridge, Governor Belcher says: —

“ I must pray you to procure from Sir Charles a warrant for your cousin And^w to be Register of the Court of Admiralty. It would be a great dishonour to me & to him to have him put out after my putting him in, & I can’t beleive S^r C. would make any stick about it, if you went to him at a proper juncture.”

Governor Belcher writes to Jonathan Belcher, Jr., in a letter² dated Boston, May 19, 1740: —

“ The Register of Admiralty being but a trifling place it will the more dishonour me to have your brother put out after I have put him in. You must therefore with Coram ply S^r Charles close for a warrant.”

And again, June 5, 1740, in a letter³ to Richard Partridge,

“ I would pray you not to fail sending me a Warr^t for your Nephew Andrew being Register of Admiralty.”

In another letter⁴ dated Boston, July 25, 1740, to Richard Partridge, Governor Belcher says: —

“ I must pray you, brō, to get out & send me a warr^t from the Admiralty for Andrew’s being Register. I know severall people have wrote for it, & I am afraid by the delay he may lose it, which would be a great trouble to him & a dishonour to me.”

In a letter⁵ dated July 28, 1740, to Sir Charles Wager, Governor Belcher thanks him for his intercession with the Duke of Newcastle, and desires a warrant for Andrew Belcher to be Register of the Court of Admiralty.

Governor Belcher writes to Richard Partridge in a letter⁶ dated Boston, August 25, 1740: —

“ I am very thankfull for your care in sending my son Andrew’s patent for being Register of Admiralty, which I am expecting to receive p Snelling.”

¹ Belcher Papers, II. 289.

² *Ibid.*, II. 300.

³ *Ibid.*, II. 508; Belcher’s Letter Book, IV. 379.

⁴ Belcher Papers, II. 319.

⁵ *Ibid.*, II. 513.

⁶ *Ibid.*, II. 323. The Boston News Letter of October 30, 1740, announces: “Andrew Belcher, Esq; having received by Capt. Snelling His Majesty’s Commission for Register of the Courts of Vice-Admiralty in His Majesty’s Provinces and Colonies of *Massachusetts-Bay, New Hampshire and Rhode Island, Providence Plantations, Narraganset Countrey or King’s Province in New England*, was last Saturday sworn into the said Office before His Excellency the Goverour.”

In another letter¹ to Richard Partridge, dated October 25, 1740, he says:—

“I again thank you, for my Son Andrews Commission, as Register of Admiralty, which is Come well to hand p Snelling.”

In a letter² dated Boston, August 25, 1740, to Jonathan Belcher, Jr., Governor Belcher, after rebuking him for his extravagance, continues:—

“You mention the situations of your brother And^w & your brother Lyde. Andrew lives with me. I give him his dyet & lodging, & he has not besides for many years past, say *communibus annis*, spent sixty pounds sterling a year, so good a husband is he, & so much he knows the value of money. . . . Pray compare these things with your expence. Your brothers have at present the offices I have given them, but in case of my supersedesas, my successour will have favourites (as well as other governours), & your brothers then perhaps stript of all . . . Your brother is greatly oblig'd to you for the kind sollicitation of his Admiralty patent, but he is an indolent creature, & I know not whether he'll ever write you a letter. . . . I had forgot to say that all the places held by your two brothers here are not worth two hundred & sixty pounds sterling a year. Such are their poor settlements and mean subsistences.”

In a letter³ dated Boston, May 7, 1741, to Richard Partridge, Governor Belcher again speaks of the great extravagance of his younger son, Jonathan Belcher, Jr., who was then living in England at “the rate of £530 sterling a year, or upwards £2900 this money,” and adds:—

“His brother is at lodgings in town, keeps his horse and footman, and does not spend £70 sterl^g a year.”

Governor Belcher's apprehensions concerning the future proved to be only too well founded. His unscrupulous enemies resorted even to forged and anonymous letters to secure his removal, and he was superseded in 1741 by Governor Shirley.

¹ Belcher Papers, II. 521; Belcher's Letter Book, V. 25.

² Belcher Papers, II. 325; see also *Ibid.*, II. 542. Governor Belcher, in a letter dated March 9, 1740/1 (*Ibid.*, II. 534) to Sir Robert Walpole, solicits the appointment of Andrew Belcher as Collector of Boston to succeed Mr. Jekyll, who died March 1. He writes also on the same day to Sir Charles Wager and Richard Partridge on the subject. “The place is worth £500 sterl^g a year.”

³ *Ibid.*, II. 383.

Smarting under a sense of wrong and injustice, disheartened and chagrined, he retired to his country-seat at Milton.¹

Andrew Belcher was not long allowed to hold the office of Register of the Court of Vice-Admiralty.

The following is a letter² dated Milton, March 18, 1741/2, from Governor Belcher to his son Andrew: —

"MR. BELCHER,—I think I can appeal to Him whom I adore while I say I have as a good parent done my duty to you, your brother & sister for establishing you in the world. The shadows of the evening are now stretcht out upon me, my hitherto good constitution begins to fail, that I cannot rise & shake myself as in dayes past, so you must stand upon your own legs, be up, & doing. When I saw you last, you may remember, I told you to write a handsome letter to Sir Cha. Wager, another to M^r Wilks, & another to your uncle, & then to bring them to me, & I would write in conformity, & send all forward, but that if you would not rouse from your hug'd indolence & deadly lethargy, nor take one step towards your own security in the office of Register of Admiralty, I would give myself no further concern about it. This is now six weeks ago, & altho' I live within an hour & half's ride of you yet I have not heard a syllable from you since, so am wholly ignorant whether you have acted in any shape or manner on this head, in which & all others, I wish you well, & am Your affec. father,

Your affec. father,

J. B.

MILTON, March 18, 1741/2."

Governor Belcher, in a letter³ to Richard Partridge dated October 23, 1742: —

Hears that Auchmuty is endeavoring to secure for his own son the office of Register of the Court of Admiralty now held by Andrew Bel-

¹ "I am got to my little cottage at Milton, where I desire my life may be hid with Christ in God, and there I shall indeavour to spend the little remainder of my dayes as silently as I can." (Jonathan Belcher to Jonathan Belcher, Jr., December 1, 1741, Belcher Papers, II. 418.)

After remaining some time in Boston and Milton, he went to England, vindicated himself from the aspersions of his enemies, and was restored to favour. He was appointed, July, 1746, Governor of New Jersey, and died in Elizabethtown, New Jersey, August 31, 1757. He married his second wife, Mary Louisa Emilia Teale, September 9, 1748, in Burlington, New Jersey.

² Belcher Papers, II. 420. Notwithstanding the rebukes he so frequently administered to his son Andrew, Governor Belcher, in a letter dated September 20, 1742 (*Ibid.*, II. 557) to Richard Waldron about Andrew Belcher and Waldron's going to England with Colonel Vassall, says: "A father, I own, is easily blinded in favour of a son, but if I am not, I think he [Andrew Belcher] is a cautious, sedate, prudent young gent", & his conversation agreeable; I wish his sire had had the power of begetting in him more vivacity & fire."

⁸ *Ibid.*, II, 557.

cher, and desires Mr. Partridge "to do all in your power to prevent so great a misfortune."

But all Governor Belcher's efforts were of no avail, as is shown by the following letter¹ to his son Andrew. It is dated Milton, April 20, 1743.

" . . . I am much concern'd for the loss of your place in the Admiralty Court. I think I can truly say, more than I was upon hearing of my own *supersedeus*. I pray God to support you under it, & by this dark providence teach you the uncertainty & mutability of all human affairs ; & may God carry up your thoughts on this occasion to Himself, and show you that there can be no true happiness or satisfaction short of a fixed, saving interest in the favour & mercy of God, through Jesus Christ, His blessed Son, the only Saviour of poor lost man. If this melancholy scene lead you into a realizing sense of these things, it will prove the happiest article of your life. God, of his infinite mercy in Jesus Christ, so make it. Amen. Your other small place will be some help, and we must be thinking how to improve the little stock you have in the best manner. I shall always stand ready to do every thing in my power to assist & comfort you, for I am, dear Andrew,

Your very affectionate father,

J. B.

MILTON, April 20th 1743."

In a letter² dated Milton, May 3, 1743, to Richard Partridge, Governor Belcher says : —

" I am much concern'd for my son A.B.'s loss of his place in the Admiralty Court, it being his main support, and this, I am told, was done a month before you knew any thing of the matter. I shall be glad you & his other friends may be able to get him restor'd tho' I tell him he must hardly maintain a hope of it, for I can't see it consistent with the honour of the Crown, or with that of its officers, to thrust persons out & suddenly to restore them. Yet I shall take it very kindly if you'll endeavour to serve him in this or in any other way."

In a letter³ dated May 10, 1743, to Colonel John Vassall, Governor Belcher desires him to try to get Andrew Belcher restored to the office of Register of the Court of Admiralty.

The "other small place" which still remained to Andrew Belcher was the office of Register of Probate.

¹ Belcher Papers, II. 448.

² *Ibid.*, II. 451.

³ *Ibid.*, II. 560.

"At a Council¹ held at y^e Counc^l Chamb^r in Boston on Fryday Dec^r 21 1739," His Excellency the Governor [Jonathan Belcher] was pleased to nominate . . .

"Andrew Belcher Esq^r to be Register of Wills &c for the County of Suffolk in the room of John Boydel Esq^r dec^d."

And Governor Shirley, on his accession to the Governorship, reappointed² him, November 5, 1741.

At a Council³ held July 14, 1749, His Excellency nominated

"M^r John Payne to be Register of Wills &c for the County of Suffolk, during the Absence of Andrew Belcher Esq^r (the standing Register out of the Province.)"

At a Council⁴ held in Boston January 25, 1754, His Excellency nominated

"M^r John Shirley to be Register of Wills &c^a in the County of Suffolk, in the room of Andrew Belcher, Esq^r."

This ended Andrew Belcher's connection with the Probate Office.

But the efforts made in his behalf to secure his restoration to the office of Register of the Court of Vice-Admiralty were successful. His second commission⁵ as Register of that Court, from the Lords of the Admiralty, bears date July 22, 1743. He held this office at the time of his death.

He was one of the Prince subscribers⁶ in 1736, and a Justice of the Peace⁷ in 1738.

¹ Council Records, X. 339. The Boston News Letter of Thursday, December 27, 1739, announces that on Friday last his Excellency the Governor, among other appointments, made the following: "Andrew Belcher Esq; to be Register of the Court of Probate for the County of Suffolk."

² Council Records, X. 552.

³ *Ibid.*, XII. 111.

⁴ *Ibid.*, XII. 321.

⁵ Mass. Archives, XLIII. 634.

The Boston News Letter of October 10, 1765, contains the following: "The PUBLIC are hereby informed, that the Honorable ANDREW BELCHER, Esq; Register of the Court of Vice-Admiralty for the Province of the *Massachusetts Bay*, has appointed Mr EZEKIEL PRICE to be his Deputy in the Room of WILLIAM STORY, Esq; and that the Business relative to said Court will be attended at Mr. PRICE's Office, the South Side of the Court-House."

⁶ Memorial History of Boston, II. 561; New England Historical and Genealogical Register, VI. 190, XIX. 206.

⁷ Council Records, X. 196; Boston News Letter, March 16, 1738.

In deeds and other instruments he is described as of Boston, until after his marriage¹ in 1754, when he removed to Milton.

He represented Milton in the General Court from 1759 to 1764, and he was a member² of the Council in 1764, 1765, 1766, and 1767.

Governor Hutchinson, August 14, 1770, writes :³ —

“ M^r Belcher the Register of the Court of Vice Admiralty is in a desperate state of health and his Physicians think cannot continue many weeks.”

Plans were even then laid to provide him with a successor.

The Boston News Letter of January 31, 1771, contained the following obituary notice : —

“ On Thursday the 24th Instant died at his Seat in Milton, the Hon. ANDREW BELCHER, Esq; in the 65th Year of his Age: He was eldest Son of the late Governor Belcher, and for some Years a member of his Majesty’s Council for this Province. — His Remains were decently interred in this Town, last Monday in the Afternoon.”

¹ Governor Belcher, in a letter to Andrew Oliver (Letter Book, VIII. 339) dated Elizabethtown, New Jersey, April 5, 1754, writes: “ I am now with Pleasure to advise you that my Sons Marriage with my Wife’s very good Daughter was consummated yesterday in the evning about 8: Clock and I think to the good Satisfaction of all concern’d therein and I pray God that they may be long Happy living together as Heirs of the Grace of Life Amen.”

In another letter to Andrew Oliver (Letter Book, VIII. 364) dated Elizabethtown, New Jersey, May 3, 1754, Governor Belcher thanks him for his “ Congratulation upon the late double Alliance between myself and my Wife and in which I hope by the Favour of God my Son and Daughter may be long happy I believe they cant readily fix the Day of beginning their Journey homeward but which I suppose will be some time this Month I am full with them in their Prudent Resolution of going directly to their own House at Milton.”

In a letter to John Foye (Letter Book, VIII. 407) dated Elizabethtown, New Jersey, June 13, 1754, Governor Belcher thus refers to his son Andrew: “ He & his Wife took leave of us last Fryday & I hope are now well forward in their Journey I pray God send them in Safety to Milton.”

Governor Belcher, in a letter to Andrew Belcher (Letter Book, VIII. 426) dated Elizabethtown, New Jersey, July 12, 1754, mentions the receipt of a letter from the son, written at New Haven, and adds: “ I am now to own the due Receipt of your good Letter of the 20; of the last Month & we all praise God that you are got in Health & Safety to y^r desired Milton.”

And in another letter to Andrew Belcher (Letter Book, VIII. 451) dated August 16, 1754, Governor Belcher asks for an account of rents: “ That of Milton to 4: of April last (when it became yours). And those of Boston to 20: of June when you arriv’d at Milton.”

² In 1764, while a member of the House of Representatives, he was chosen to the Council in place of Timothy Ruggles, who had been elected, but had declined to serve. (Journal of the House of Representatives, 1764, pp. 65, 68-70.)

³ Mass. Archives, XXVI. 535.

He died intestate and without issue, and his widow Elizabeth Belcher was appointed administratrix of his estate, which was appraised at £1062: 16: 4.

In the inventory there are, among other items, the following: —

	£ s. d.
“ 4 family Seals with handles	12 ”
“ House in Boston Tenanted by Christ: Prince &c	600: 0: 0.
200 acres land in freetown	133: 6: 8.
500 acres in Belcher Town	125: — — ”

He married in Elizabeth, New Jersey, April 4, 1754, Elizabeth Teale,¹ a daughter of Mary Louisa Emilia Teale, the second wife of his father, Governor Belcher.

¹ Their marriage contract, dated March 27, 1754, was recorded July 23, 1754, with Suffolk Deeds, Lib. 85, fol. 200.

After the death of Andrew Belcher, Elizabeth Belcher, his widow, and her mother, Mary Louisa Emilia Belcher, the widow of Governor Belcher, continued to reside on the Belcher estate in Milton. On the 27th of January, 1776, the Belcher house was destroyed by fire. It was afterward rebuilt. (Eliot's Biographical Dictionary, 57 note; Teele's History of Milton, 111, 113.)

Samuel Curwen (Harvard College, 1735), the Loyalist, to whose Journal, kept when he was an exile in England, reference has already been made, gives much information concerning his fellow refugees. At Dover, under date of July 3, 1775, he writes: —

“ At the Coffee-house met James Teal, a son of the widow of the late Gov. Belcher, of Massachusetts, by her first husband. He wished to convey intelligence of his residence here to his mother in New England; his letters have miscarried for some time past.”

The will of Mary Louisa Emilia Belcher, of Milton, widow of Governor Belcher, dated February 22, 1770, was probated April 27, 1782.

By deed dated May 15, 1781, recorded with Suffolk Deeds, Lib. 182, fol. 216, Elizabeth Belcher, widow, conveyed to John Rowe, of Boston, merchant, a farm with woodland and marshes lying in seven tracts, partly in Milton, partly in Dorchester, and partly in Braintree, all formerly of Jonathan Belcher, late Governor, one of said tracts being “the homestead farm on which I the said Elizabeth now live and on which his excellencies seat formerly stood and which contains by estimation two hundred Acres,” situated partly in Braintree and partly in Milton.

In the Massachusetts Archives (CCXXXVII. 319) is the following petition of Elizabeth Belcher, the widow of Andrew Belcher: —

“ To the honorable senate and house of representatives of the commonwealth of Massachusetts in general court assembled

Elizabeth Belcher respectfully shews that she is a native of England and that there are all her natural connections and the principal part of her property and resources for subsistence which are irresistible inducements to her to remove to that country and a convenient opportunity now presenting by which she can in a cartel with small expence and great safety at this time transport herself and effects to New York and from thence immediately for England she therefore at this time intreats the permission of the court that she may depart this common-

JOHN PAYNE.

1749, 1754, 1755-1759.

John Payne, son of William Payne, was born in Boston, February 9, 1712. His brother, Edward Payne, in his account¹ of the family thus speaks of him :—

“ My brother John Payne lived two years as an apprentice to Mr. Jona. Sewall, viz., till his Decease ; then he wrote in the Register’s Office with Mr. Boydell, till his Decease, being 1740 ; after which he continued in said Office under Mr. Jona. Belcher, while he held said office, being ; then under Mr. Auchmuty while he held the said Office, being . Then under Mr. Belcher again, in which Place he continues at this day.”



At a Council² held in Boston July 14, 1749, the Governor nominated

“ M^r John Payne to be Register of Wills &c. for the County of Suffolk, during the Absence of Andrew Belcher Esq^r (the standing Register out of the Province. To which Nomination the Council Advised & Consented.”

wealth in manner as aforesaid and take with her one female servant and personal appendages and your petitioner as in duty bound will ever pray

ELIZ^A BELCHER”

This petition was granted and the General Court, September 26, 1782, passed the following Resolve :—

“ *On the petition of Elizabeth Belcher,*
Resolved, That said *Elizabeth Belcher* be and she hereby is permitted to go to *New York*, in any cartel bound from this Commonwealth to that place, for reasons set forth in her petition, not to return again without leave first obtained from the legislature of this Commonwealth, and also to take with her a servant girl and their personal appendages, and such effects only as may be necessary for their suitable accommodation on their passage to *England* ; and the Commissary of Prisoners is hereby directed carefully to inspect her and her effects, and to take especial care that no letters of intelligence be conveyed to the enemies of the United States by means hereof.” (Chapter 15 of the Laws and Resolves of Massachusetts, 1782-3 September Session.)

Letters of administration on the estate of Elizabeth Belcher, late of Milton, deceased, widow of Andrew Belcher, late of said Milton, deceased, were granted February 11, 1794, to Edward Hutchinson Robbins, of Milton. The citation bears date May 9, 1792.

¹ Genealogy of the Payne and Gore Families, Publications of the Prince Society, 18; 1 Proc. Mass. Hist. Soc., XIII. 405; Memorial History of Boston, II. 549; New England Historical and Genealogical Register, XLII. 256.

² Council Records, XII. 111.

At a Council¹ held in Boston September 20, 1754,

“ His Excellency also nominated M^r John Payne to be Register of Wills &c^a, for the County of Suffolk, in the Room of John Shirley Esq^r for the Space of three Months from this Time, or untill the Return of the said John Shirley in Case it be before three Months be expired.”

At a Council² held in Boston, January 11, 1755, the Governor made the following nomination:—

“ M^r John Payne to be Register of Wills &c^a for the County of Suffolk in the Room of John Shirley Esq^r for the Term of two Months, Provided the said John Shirley be absent so long.”

The Council consented to these nominations.

At a Council³ held in Boston March 28, 1755, the Governor announced the resignation of John Shirley as Register of Wills, etc., and then nominated

“ M^r John Payne & M^r John Cotton to be Joint Registers of Wills &c^a within the County of Suffolk,”

and the Council consented.

The General Court⁴ in 1754 passed an “ Act to enable John Payne of Boston, gentleman, to attest certain records in the Probate Office of the County of Suffolk,” reciting that

“ WHEREAS the records in the probate office of the county of Suffolk, from the seventeenth day of February, one thousand seven hundred and forty three, until the first day of February, one thousand seven hundred and fifty-four, have not been attested by the register of probates for said county; and whereas John Payne of Boston, gentleman, for and during the whole term aforesaid, has acted as a clerk in said office, and all original papers registered in the books of said office have, by the said Payne, been compared with the registry or records, before such papers were delivered out of said office,” —

said Payne was authorized and empowered to attest the records during the term aforesaid.

He was Deputy Register of the Court of Vice-Admiralty⁵

¹ Council Records, XII. 357.

² *Ibid.*, XII. 378.

³ *Ibid.*, XII. 394.

⁴ Province Laws, III. 750; Mass. Archives, XIX. 152.

⁵ Boston News Letter, December 11, 1740 *et seq.*

In Mass. Archives, XLIII. 634, there is a commission dated January 10, 1753, of “ Andrew Belcher Esquire Register of the Court of Vice-Admiralty in his

for many years — as early at least as 1740 — and so continued, with perhaps some brief intermissions, up to the day of his death. At one time he had charge of the Naval Office.¹

He was a Prince subscriber² in 1736.

The Boston Evening Post of Monday, November 19, 1759, contains the following obituary notice: —

“ Last Saturday Morning died here after a short and violent Illness, Mr. JOHN PAYNE, a Gentleman of known Abilities in the several Offices he sustained, and remarkable for his unsullied Integrity: He was a Father as well as a Son to his aged Mother, and not only a Brother, but a Guardian to his Sisters. His Death is as justly as it is universally lamented.”

In his will, dated March 25, 1752, probated November 23, 1759, he gives all his estate to his “ Hon^d Mother Margaret Payne of Boston afores^d Widow,” making her sole executrix. This will, although not signed by the testator, was allowed by the Judge of Probate, so far as respected personal estate.

The inventory shows personal property amounting to £1198. 12. 9, and real estate consisting of one ninth of a house in Cornhill, appraised at £26. 13. 4.

The executrix’s account mentions

“ paid And. Belcher Esq^r for moneys Lodg’d in the hands of the Deceas as Dep^y Register of the Court of Admiralty. £1290. 19. 6.”

Majesty’s Provinces & Colonies of the Massachusetts Bay, New Hampshire, Rhode Island &c^r in America” appointing John Payne of Boston gentleman “ my Sufficient and Lawfull Deputy for the Province of the Massachusetts Bay aforesaid and Maritime Parts of the same in the Room and stead of William Story my former Deputy for the Province aforesaid whom by these Presents I Supersede.”

¹ In Suffolk Court Files CCCCXVI. 27-29, there are several depositions concerning a personal encounter February 23, 1749/50, of John Payne with “ Benjamin Pemberton of Boston aforesaid Esq^r & Naval Officer of Our Province of the Massachusetts Bay ” in consequence of remarks made by Pemberton concerning the fees paid for “ a Pass Captain [Solomon] Davis had Lately had from his Honour Liev^t Goverour Phips; for his Brigantine to Pass the Castle on Sunday.” Payne “ within the Courthouse in Boston aforesaid with force & Arms a Violent Assault on y^e Body of the said Benjamin committed Struck him Diverse Grevious blows on his face and other Parts of his Body.” See also CCCCXI. 32, CCCCIV. 55, and CCCCXIX. 65.

² Memorial History of Boston, II. 562; New England Historical and Genealogical Register, VI. 196.

JOHN SHIRLEY.

1754, 1755.

John Shirley was a son of Governor Shirley.¹

At a Council² held in Boston
January 25, 1754, His Excellency was pleased to nominate

John Shirley

“Mr. John Shirley to be Register of Wills &c. in the County of Suffolk, in the room of Andrew Belcher Esq^r,”

to which nomination the Council advised and consented.

At a Council³ held September 20, 1754, John Payne was appointed Register

“in the Room of John Shirley Esq^r for the Space of three Months from this Time, or untill the Return of the said John Shirley in Case it be before three Months be expired.”

Payne was again appointed Register January 11, 1755,

“for the Term of two Months, Provided the said John Shirley be absent so long.”⁴

At a Council⁵ held March 28, 1755,

“His Excellency intimated to the Council that John Shirley Esq^r had resigned his Office of Register of Wills for the County of Suffolk; And then nominated”

John Payne and John Cotton in his stead.

¹ William Shirley, afterward Governor Shirley, arrived in Boston October 27, 1731. “Mr Shirley arriv’d here 27 in the eveng^g, and made me a short visit, and din’d with me yesterday . . . I shall heartily recommend him (as a pleader) to the Courts of the several counties in this and the neighbouring Province, and to the Superior Judges in their Circuits.” (Governor Belcher’s letter October 29, 1731, to Arthur Onslow, Speaker of the House of Commons. Belcher Papers, I. 21.)

“Mr Shirley is got safe to us with his good lady & family.” (Governor Belcher’s letter November 20, 1731, to Henry Newman, *Ibid.*, I. 60.)

Shirley succeeded Belcher as Governor, his commission bearing date May 25, 1741.

² Council Records, XII. 321.

³ *Ibid.*, XII. 357.

⁴ *Ibid.*, XII. 378.

⁵ *Ibid.*, XII. 394.

The Boston Gazette of September 3, 1754, says:¹ —

“On Saturday last JOHN SHIRLEY, Esq; Son of His Excellency our Governour, arrived here from *Falmouth in Casco Bay*,”

and he gave an interesting account of the expedition of Lieutenant-Colonel Preble, with the forces under his command, to the head waters of the Kennebec.

“His Excellency was in good Health when Mr. *Shirley* left him, and proposes to be in Town, with the Gentlemen who attend him, in about ten Days Time.”

These repeated absences from his duties in the Probate Office were caused by his employment in other public affairs. He recruited men for his father’s regiment and received a commission as Captain.

The following November he was in New York, as appears by a letter² written by him to Governor Morris, of Pennsylvania, on the 19th of that month, and he was then about to return to Boston.

In another letter³ to Governor Morris, dated Boston, May 29, 1755, he refers to the preparations then making for the expedition to Niagara.

“Dear Sir:

I should not sleep quiet on my Bed was this Express to go away without a line from me, to give You a short Acco^t of our Proceedings. The Nova Scotia Troops sail’d not ’till four days after our Return hither . . .

We go on as fast as I expected in our particular Expedition, & this Province & Connecticut Seem near ready to march their Men towards Crown Point. Our Regiment will begin to move in Companies from hence to Providence, where Transports are ready to receive ‘em, by this day Week, & they are to proceed directly to Albany, without debarking at New York. . . .

¹ New England Historical and Genealogical Register, XXII. 406; 1 Collections Maine Historical Society, VIII. 230; see also Boston News Letter, September 5, 1754. The Boston Gazette of September 10, 1754, announces: —

“Yesterday about Noon, the Province Sloop, *Thomas Sanders Master*, arrived before Castle William, after a very short Passage from Falmouth in Casco-Bay, with His Excellency our Governour, and several Gentlemen attending him, on board; at which Place His Excellency has for some Time past resided, and where His Presence was peculiarly wanted, in managing the important Affairs of the Province on our Eastern Borders.”

² Penn Archives, II. 199.

³ *Ibid.*, II. 332.

This is positively all my time will allow me to say to You at present, for my father takes up every Moment of it, & I imagine, if I was not his Son, as he is now a Major General, he would declare me his Aid de Camp; but you know how nice he is in providing for those wth all y^e World beside provide for first . . .

I am wth the warmest Affection,

D^r Sir, Your Oblig'd & most

Obedient Servant,

JOHN SHIRLEY.

. . . My father & myself dont move from hence before three Weeks, every body else goes wth y^e Regiment."

In a letter¹ to Governor Morris, dated Oneida Carrying Place, August 12, 1755, he informs him: —

" . . . I have little of News to add since my father's last letter to You, inclosing Copies of his Orders to Col. Dunbarr, whose Retreat is tho't by many here to be a greater Misfortune than the late Gen^l Brad-dock's unhappy Defeat. What Dishonour is thereby reflected upon the British Army! . . .

We left Albany the 24th of July & wth great Difficulty got here not till ye 8th Instant, the Water being excessively low . . .

We go from hence tomorrow, & expect to be at Oswego in 4 days afterwards. Col. Mercer will be six days behind us, & we can't have less than six more to fit out from Oswego after he joins us, so that we shan't be before Niagara 'till the 1st Week in ye next month. . . . My father has been so good as to declare me one of his Aid-de-Camps. . . .

If you will promise to excuse Blots, Interlineations & Grease (for this is wrote in ye open Air upon ye head of a Pork bb^l & 20 People abo^t me) I will begin another half sheet."

In another letter² to Governor Morris, dated Oswego, July [August] 20, 1755, he says: —

" I wrote to you about Six days ago from the Great Carrying place. We got here safe the day before yesterday, & expect Col. Mercer will be here by the 24th, wth the last of everything b'longing to the Ex-pedition. . . . I find this Express is just going; We must, I perceive, stay here 10 days longer."

In a letter³ to Governor Morris dated Oswego, September 8, 1755, he writes: —

" Dear Sir,

I am much oblig'd to You for yo^r two letters dated 21st & 24th Aug^t, & for the hint you have given my father concerning my being

¹ Penn. Archives, II. 387.

² *Ibid.*, II. 381.

³ *Ibid.*, II. 402.

sent home wth his Dispatches. My father is now in Conference wth the Indians, & has given me your three last Letters to answer for him, w^{ch} I am sorry for, as I can't wth Propriety answer that part of yo^r last w^{ch} relates to me; but he has that high Opinion of your Judgment, that I look upon myself now, as sure as if I had his Promise of it: however, I sh^d have been glad' to have seen what he would have said to You upon it. I have put into his Letter all the News concerning ourselves w^{ch} I tho't was proper for him to mention: You therein see how difficult a Navigation is from Schenectady hither. Col. Mercer was 26 days coming here & some of the 9 Pounders are still upon a Rift a Mile from hence, where they bilg'd the Battoes. The French have found means to alter the Indians vastly; they were much our friends before, but they are now so troublesome, it is a difficult matter to live in the same place. . . . The Conference is just ended & the Indians have declar'd in a seeming hearty Manner, that they will be true to him, my father, & follow him where ever he goes. They are certainly a most necessary and useful set of People to have wth us, but then they are by far ye most troublesome in the World. . . . Nobody holds it out better than my father & myself. We shall all of us relish a good House over our heads, being all incamp't except the General & some few field Officers, who have what are call'd at Oswego, houses, but they would in other Countries be call'd only Sheds, except the fort where my father is, Adieu, Dear Sir, I hope my next will be directed from Frontenac.

I am ever wth a most sincere Regard,

Yours most Affectionately,

JOHN SHIRLEY.

Oswego, 10 o'Clock at Night,
in a Wet Tent, Sep^r. 8th, 1755.

P. S. . . .

Ten o'Clock at Night, Sept^r. 11th.

. . . We have now only 8 days Bread, Pork & Beef enough, but no Rum or Pease; & what makes this y^e more provoking is, that these Provisions have been ready for us in Abundance these two Months at least."

In a letter¹ to Governor Morris, dated Oswego, September 22, 1755, he says:—

" Dear Sir,

I am set down in hopes I may have a Minute to write to You in. By my last I inform'd You that we were going to Cadaraqui, or Frontenac, & so it was then determin'd by the General in his own Mind; We have since had further Intelligence from Niagara, w^{ch} has alter'd

¹ Penn. Archives, II. 423.

him, & it was Yesterday determin'd in a Council of Warr to go as soon as possible upon the Attack of the last mention'd Place: The Council unanimously agreed to every thing w^{ch} was propos'd by the General. . . .

If our Provisions come up we may set off in five days. This day finishes all our Bread & flour in Store, but we have in Sight some Battoes, w^{ch} I hope will deliver a large Quantity of the Articles most wanted; & as both Men & Officers are pick'd, I dare say we shall give a good Acc^t of ourselves. . . . All I am uneasy about is our Provisions Our Men have been upon half Allowance of Bread these three Weeks past, & no Rum given to 'em; We have many ill . . . more Officers in proportion ill than men. . . .

My father yesterday call'd all the Indians together & made 'em a Speech on the Subject of Gen^l Johnson's Engagem^t, w^{ch} he calculated to inspire them wth a Spirit of Revenge, & it had the desir'd Effect, for at night, in feasting upon a Bullock w^{ch} he order'd 'em upon the Occasion, they roasted in *their way*, & eat the Gov^r of Canada, had a grand Warr dance, & shew'd a Spirit quite Satisfactory to all of us. . . .

You know how my father employs every body who are near him, he makes me write all his Letters. . . . I will not again appologize for my unintelligible Scrawls, but am, wth the sincerest Regard & Affection,

D^r Sir, Your most Oblig'd & faithfull Humble Servant,
JOHN SHIRLEY."

The Boston Gazette of Monday, November 24, 1755, contains the following:—

"*New-York, November 17.*

Wednesday last arrived here in a Sloop from Albany, Capts. Shirley and Morris, of Shirley's Regiment, and Capt. Ascough, Commander of one of the Vessels of War on Lake Oswego, where we are told, Colonel Mercer is left" in command.

The Boston Gazette of Monday, December 1, 1755, announces:—

"We hear from *New-York*, that Yesterday Morning was sev'night, about Six o'Clock, departed this Life, Mr. *John Shirley*, youngest Captain in the Regiment under his Father General *Shirley*, and one of his Aid de Camps."

Governor Morris, writing to Governor Dinwiddie of Virginia, in a letter¹ dated Philadelphia, November 29, 1755, says:—

¹ Penn. Archives, II. 531.

“ My Heart bleeds for M^r Shirley. He must be overwhelmed with Grief when he hears of Cap^t John Shirley’s Death, of which I have an Account by the last Post from New York, where he dyed of a Flux and Fever that he had contracted at Oswego. The Loss of Two Sons in one Campaign scarce admits of Consolation. I feel the anguish of the unhappy Father, and mix my Tears very heartily with his. I have had an intimate Acquaintance with Both of Them for many Years, and know well their inestimable Value.”

Governor Morris, in a letter¹ dated November 27, 1755, writes to General Shirley:—

“ Permit me, good sir, to offer you my hearty condolence upon the death of my poor friend Jack, whose worth I admired, and feel for him more than I can Express. His good sence and sweetness of temper made him generally beloved, and few men of his age had so many friends. Your affliction is truly great, to be deprived of two such sons² in one year, is a loss uncommonly heavy, and would bear down any man not fortified with the same firmness of mind, and resignation to the divine will that you are. . . . ”

JOHN COTTON.

1755–1775.

John Cotton, son of the Rev. Nathaniel Cotton³ (Harvard College, 1717), of Bristol, Rhode Island, and great-great-grandson of the Rev. John Cotton, minister of the First Church of Boston, was born March 25, 1728, in Bristol, Rhode Island.⁴



After the death of his father, his mother, left a second time a widow, removed with her children to Boston, and in the record of the admission of John Cotton to Harvard College,⁵

¹ Penn. Archives, II. 524.

² William Shirley, another son of Governor Shirley, was killed “*in the Action on the Banks of the Monongahela the 9th Day of July, 1755*” at the time of Braddock’s defeat. He was General Braddock’s secretary. “Poor Shirley was shot thro’ the Head.” (Letter to Governor Morris from Captain Robert Orme, aid-de-camp, who was himself wounded in the action. Penn. Col. Rec., VI. 488–489.)

³ New England Historical and Genealogical Register, I. 165; Munro’s History of Bristol, Rhode Island, p. 219.

⁴ Bristol, Rhode Island, Vital Statistics, p. 71.

⁵ Harvard College Faculty Records, I. 197.

his residence is given as Boston. He was graduated from Harvard College in the class of 1747.

At a meeting of the Council¹ held in Boston March 28, 1755, the Governor announced the resignation of John Shirley as Register of Wills, etc., and then nominated

“ M^r John Payne & M^r John Cotton to be Joint Registers of Wills &c^a within the County of Suffolk,”

and the Council consented.

John Cotton was also Deputy Secretary of the Province for many years.

He was chosen, April 23, 1757, Collector² of the Duty of Excise upon Tea, Coffee, and China Ware for the County of Suffolk.

He was a farmer³ of the Excise for the County of Suffolk on Tea, Coffee, and China Ware in 1764, and he was to receive the duties on these articles at his house in Sudbury Street.

He was Clerk of the Commissioners⁴ to settle the New York line in 1766.

In the Massachusetts Archives there is a letter⁵ from Lieutenant-Governor Hutchinson, dated August 12, 1770, in which he says: “ M^r Belcher is upon his last legs and cannot continue many weeks,” that the place of Register of the Court of Vice-Admiralty cannot be worth more than £100 a year, “ which nobody in England of any credit would accept of, especially when the Officers of the Court of Admiralty are so unpopular ” that he, Hutchinson, had taken the liberty to write to Sir Edward Hawke in behalf of Mr. Cotton, etc.

The letter⁶ of Hutchinson to Sir Edward Hawke⁷ is dated August 14, 1770, and is as follows: —

“ Sir

M^r Belcher the Register of the Court of Vice Admiralty is in a desperate state of health and his Physicians think cannot continue many weeks. The business of his Post has always been done by a Deputy.

¹ Council Records, XII. 394.

² General Court Records, XXI. 554.

³ Suffolk Court Files, DXCVII. 1-11; Mass. Archives, CXX. 662, 678-675; Boston News Letter, April 19, 1764, *et seq.*

⁴ Mass. Archives, VI. 323-325.

⁵ *Ibid.*, XXVI. 585.

⁶ *Ibid.*, XXVI. 535.

⁷ Sir Edward Hawke was then first lord of the admiralty.

From the best judgment I can make the whole fees do not exceed One hundred pounds sterling p^r Annum. If there was a probability that a person proper for such an Office would leave England at a time when the Officers of that Court meet with so much trouble from the prejudices and perverseness of the People, I would not presume to ask the Office for any person in America. M^r John Cotton who has been many years Deputy Secretary for the Province and Register of Probate for the County of Suffolk, both which places are worth to him but about one hundred pounds sterling and the first very precarious depending not only upon the principal for the continuance of it but upon the House of Representatives for any grant or allowance, has been attached to Government and serviceable as far as his Sphere would admit. If you have any other person in view I may not expect this favour for him; if you have not, I beg leave to mention him as qualified for it and to ask it as a favour to myself he being half brother to my late wife, and having been many years one of my family.¹

R Hon^{ble}: Sir EDWARD HAWKE."

Governor Hutchinson² writes to Sir Francis Bernard under date of May 23, 1771:—

"By the death of M^r Cooke Clerk of the Court I wished to have provided for M^r Cotton but I find Goldthwait the other Clerk averse to it and he gives this reason that the place requires so constant attendance that it is not possible he should hold that and the Deputy Secretary^s place also. While I was considering Price the Deputy Register of the Admiralty made Interest with Hill Dana Avery and the Justices of that Faction and got himself appointed Clerk to the Sessions with Goldthwaits privity and connivance . . . I would have recommended M^r Cotton as Deputy to your Son in the Admiralty if it had been vacant but I believe Price is more used to the business and though he has not used me well I am not willing to deprive him of anything he enjoys. The Marshalls place in the Admiralty if he could be the principal, would

¹ Governor Hutchinson married, May 16, 1734, Margaret, daughter of William Sanford (Harvard College, 1711), of Newport, Rhode Island, and Grizzell (Sylvester) Sanford, his wife. William Sanford died April 24, 1721, and his widow married (intentions published, January 20, 1721-2) for her second husband the Rev. Nathaniel Cotton, of Bristol, Rhode Island. He died July 3, 1729, leaving her again a widow.

John Cotton was a son of Grizzell (Sylvester) Cotton by her second husband, and he was therefore half brother to the wife of Governor Hutchinson.

Margaret Sanford Hutchinson died March 12, 1753, and Governor Hutchinson never married again. (Rhode Island Historical Magazine, VII. 800; The Sanford Family. Diary and Letters of Thomas Hutchinson, by Peter Orlando Hutchinson, I. 49; Life of Thomas Hutchinson, by James Kendall Hosmer.)

² Mass. Archives, XXVII. 169.

make him I believe fifty or sixty pounds a year and would be worth taking and with what he has just give him a living . . . I am told Captain Hallowell has wrote in favour of one Shipard who has a place of Tide Surveyor in the Customs. I could wish for Cotton but am not known to My Lord Sandwich . . . I would make application to Lord Sandwich and ask it as a favour to myself as well as a reward to M^r Cotton for having done all which his Sphere would admit of for the service of Government if I had been as well known to his Lordship as I was to Sir Edward Hawke . . . I had the honour of spending a day at Sir Hans Sloans in 1741 when he shewed his Collection to Lord Sandwich but I dare say he has no remembrance of me.

I confine this Letter to this Subject

I am Dear Sir

Your faithfull humb^l Ser^t

Sir FRANCIS BERNARD Bart ”

Governor Hutchinson in a letter¹ dated Boston, September 23, 1771, to the Earl of Sandwich says: —

“ My Lord

There being no person within the Prov. authorized to act as Marshall of the Court of Vice Admiralty pursuant to the powers given me in such cases by His Maj. Comission I appointed one W^m Sheppard to act in that Office but intimated to him that his continuance in it would probably be short & that he would be superceded by some person Comissd by the Lords of the Admiralty. The business & emoluments of the Office are so very small that no person will come from Eng^d for the sake of that Office only. For more than 30 years it was held by M^r Paxton who enjoyed another place in the Gov^t at the same time. If your Lordship shall think proper to appoint any person in the Province I beg leave to recomend M^r John Cotton who for several years past has been Deputy Secretary & has behavd well in the late disorderly times. I have My Lord some self interest in this recomendation M^r Cotton being half brother to my late wife. This would not induce me to name an unfit person to y^r Lordship. M^r Cotton stood well wth S^r Francis Bernard & I have heard him express a desire to give him some additional Office what he has not affording him necessary support.”

Governor Hutchinson in another letter² dated May 27, 1772, says: —

“ My Lord

M^r W^m Sheppard the acting Marshal in the Court of V Admiralty died the 17 Inst. It was necessary the place should be immediately

¹ Mass. Archives, XXVII. 232.

² *Ibid.*, XXVII. 837.

filled & I have appointed M^r John Cotton to act as Marshal until the Marshal who is in England shall appoint a new Deputy. . . . If your Lordship shall think it expedient to avoid any dispute at present upon this point I shall be ready to continue my Commission to M^r Cotton or to give a Commission to any other person M^r Howard may prefer as his Deputy.”¹ . . .

Governor Hutchinson in a letter² dated Boston, October 1, 1772, writes: —

“Sir,

Immediately after the receipt of your Letter I sent for M^r Cotton & delivered him your Commission to be recorded in the Registry of the Admiralty but soon after he returned it to me, the Judge declining to cause it to be recorded, or to receive it or to admit your deputations because it does not appear upon the Commission or by indorsement that you have qualified yourself for the Trust by taking the Oaths to the Government.

I endeavoured to find some expedient to prevent sending back the Commission but to no purpose. . . . I have told M^r Cotton he is to consider himself as your Deputy so far as to be accountable to you for one half the profits notwithstanding this accident and as much as if the Deputation sent him had been without exception & he expects it. It will be necessary notwithstanding to renew the Deputations and to date them after the date of the Oaths for the prejudice is so strong against the Court of Admiralty that not only every legal objection but every cavil will be made against the doings of the Officers.”

At a town meeting³ held in Boston, June 27, 1774, a “Motion for Censuring & annihilating the Committee of Correspondence” was made. It was thought by many that the Committee had gone too far and had exceeded its powers. The merchants took sides against it. After a long and heated debate, which lasted all day and part of the next, the motion to censure was “put and pass’d in the Negative.” The dissentients, however, made a “publick and solemn Protest against the Doings of the said Committee, as such, against the Solemn League and Covenant aforementioned, and against the Proceedings of the

¹ The Boston News Letter of May 21, 1772, announces the death of William Sheppard, Esq., Marshal of the Court of Admiralty, and further: “His Excellency the Governor has been pleased to appoint John Cotton, Esq; to the Office of Marshall of the Court of Admiralty.”

² Mass. Archives, XXVII. 547.

³ Boston Town Records, V. 522; Diary of John Rowe, 2 Proc. Mass. Hist. Soc., X. 86.

Town so far as they have adopted the illegal Proceedings of the said Committee of Correspondence." This protest¹ was dated June 29, 1774, and bore the names of many of the foremost citizens. John Cotton, who, as Governor Hutchinson says, was "attached to Government," and who "behaved well in the late disorderly times," signed the Protest, and so ranged himself on the side of the Government and against the popular party.² But he did not live to take an active part in the impending struggle. He died in Boston during the siege.

The Massachusetts Spy of July 26, 1775, contains the following:—

"By a person of undoubted veracity, who came out of Boston, last Thursday se'nnight, by permission of Gen. Gage, we learn that . . . several of the tories had caught the distemper from the troops and died, among whom it is said, are Edson, Winslow, Hutchinson and Cotton."

And in its issue of August 16, 1775, the Spy publishes a letter of William Brattle,³ written in Boston, and dated Saturday, August 5, 1775, in which he says:—

"Mr. Cotton and eldest son are dead of the flux."

The date of his death was July 15, 1775, as appears by the entry in the Cotton Family Bible.⁴

John Cotton married in Boston, October 5, 1755, Mary

¹ Boston News Letter, July 7, 1774; Force's American Archives, 4th Series, I. 490; 1 Proc. Mass. Hist. Soc., XI. 392.

² Sabine's Loyalists of the American Revolution, I. 337; Memorial History of Boston, III. 176.

³ William Brattle (Harvard College, 1722) was a Loyalist. He remained, during the siege, in Boston, and on its evacuation sailed in the fleet to Halifax. (Sabine's Loyalists of the American Revolution, I. 250.)

⁴ I am indebted to Miss Edith Child, daughter of the late Dudley Richards Child, of Boston, for extracts from the record contained in the family Bible of John Cotton. His children were eleven in number, and the names and dates of birth and death of each are all carefully set forth in this Bible.

Rowland Cotton, then the eldest surviving son, and aged seven years, died in Boston during the siege, July 9, 1775, a few days before the death of his father.

Grizzell Cotton, a daughter, died November 5, 1782, aged nearly twenty. Dudley Cotton, born January 3, 1771, entered the Boston Latin School in 1779, and died January 5, 1793. He was the only one of the eleven to arrive at full age. The others, except the daughter above mentioned, all died in childhood.

The birth of only one of the children of John and Mary Cotton is recorded in the Boston Records.

Mary Cotton, the mother, died February 6, 1796, having survived her husband and all her children. Her will, dated January 12, 1796, was probated February 16, 1796.

Dudley, daughter of William Dudley, a brother of Chief Justice Paul Dudley. The baptisms of several of the children born to them are recorded in the Brattle Street Church Records.

WILLIAM COOPER.

1759–1799.

William Cooper, son of the Rev. William Cooper,¹ of the Brattle Street Church, Boston, was born in Brookline, October 1, 1721. His mother, Judith Cooper, was a daughter of Judge Sewall, and Judge Sewall in his Diary² says: —

W. Cooper

“Lord’s Day Octob^r 1. [1721]. Gleson brings me Word that my daughter Cooper was deliver’d of a Son the night before.”

And Samuel Sewall, Jr., in his Notes,³ writes: —

“1721 October 1st, Sabbath-day morning, between twelve and one, sister Cooper brought to bed of a son at Brooklin, in our best lower room. 8th brother Cooper preach’d at Brooklin and baptized his son William, taking him in his arms.”

In deeds and other instruments⁴ he is styled at first merchant and afterward gentleman.

¹ Memorial History of Boston, II. 558, III. 28 *n.*; New England Historical and Genealogical Register, XLIV. 58–61, XLIX. 385; Waters’ Genealogical Gleanings in England, II. 1041; “Thomas Cooper of Boston and his Descendants,” by Frederick Tuckerman. (Reprinted from the New England Historical and Genealogical Register, XLIV. 53); “William Cooper, the Town Clerk of Boston,” a paper read at the meeting of the Boston Antiquarian Club, April 12, 1881, by Frederick Tuckerman (Reprinted from the Boston Evening Transcript of July 7, 1881), Amherst, 1885; Bangor Historical Magazine, II. 33–40, V. 45, 46.

² Sewall’s Diary, III. 292. It was on account of the smallpox then raging in Boston that William Cooper happened to be born in Brookline, for Samuel Sewall, Jr., in his Notes (Sewall’s Letter Book, II. 301, 302) says: —

“1721, May 29th. Sister Cooper came to live at our House for fear of the small Pox, with her Maid, Susannah Thayer.”

“1721, Nov^{br} 18th. Sister Coopers Maid, Susanah Thayer, carried away from our House in a Coach, Sick of the small pocks. 30th., She dies of the Small Pox at Boston.”

³ Sewall’s Diary. I. xxxix.

⁴ In 1755 he was fitting out “two Vessels for the Bay of Honduras,” and he petitioned for “Liberty to take on Board about sixty-five Barrels of Beef Pork and Flour for each Vessel,” as “a Quantity of Provisions is a necessary Part of

At a town meeting¹ held in Boston, April 8, 1746, he was chosen one of the Clerks of the Market.

At a town meeting² held March 9, 1752, he was chosen constable, but paid the fine of £3, and was excused from serving.

At a town meeting³ held May 16, 1755, he was chosen one of the Representatives to the General Court.

During his term of service there, he was a member of various committees⁴ of the House, and at its expiration, when his suc-

the Cargoes designed for that Place, which, as the Law now stands, cannot be Cleared out by the Impost Officer." This petition was granted September 8, 1755. (Mass. Archives, LXV. 134; Journal of the House of Representatives, 1755, p. 161.)

¹ Boston Town Records, IV. 99.

² *Ibid.*, IV. 270.

³ *Ibid.*, IV. 365.

⁴ Among the committees of the House on which he served were the following:—

"To prepare and bring in a Bill in Addition to the several Acts now in Force, relating to Culling and Packing Fish, Assize of Shingles, and Admeasurement of Boards &c." (May 30, 1755, Journal of the House of Representatives, 1755, p. 9.)

"To take under Consideration that Part of his Excellency's SPEECH of this Day, relating to the Supply of the Treasury." (May 30, 1755, *Ibid.*, 11.)

"To examine the Province Treasurer's Accounts." (June 2, 1755. *Ibid.*, 16.)

"To wait on his Excellency," with the "Report of the Committee directed to prepare an Answer to his Excellency's Message of Yesterday," concerning an increase of the forces intended for Crown Point. (June 3, 1755. *Ibid.*, 21.)

"To examine the Commissary-General's Accounts." (June 6, 1755. *Ibid.*, 33.)

"To enquire what Stock of Powder and Small-Arms there is in the several Magazines of this Province." (June 9, 1755. *Ibid.*, 45.)

"To prepare the Draught of a proper Message to be presented to his Excellency for the Purposes aforesaid," viz., "not to suffer any of the Soldiers now in the Pay of this Province for the Defence of the Frontiers, or that may be raised therefor, to enter into any other Service whatsoever." (June 9, 1755. *Ibid.*, 48.)

"To wait upon his Excellency the Captain-General," with the Message. (June 9, 1755. *Ibid.*, 49.)

To desire his Excellency "to acquaint the other Governments with what this Court have done respecting the Transportation of Provisions and Warlike Stores out of this Province, and to urge them to join in the same Measures." (July 14, 1755. *Ibid.*, 77.)

To examine the "Act for preventing the Exportation of Provisions and Warlike Stores out of this Province; and report what Amendments they think proper should be made thereon." (August 12, 1755. *Ibid.*, 132.)

To consider how to raise men "to Reinforce the Garrison at Fort-Dummer." (August 13, 1755. *Ibid.*, 139.)

To consider a method of raising "two Thousand Men," "in Addition to the Forces already ordered for the Crown-Point Expedition." (September 5, 1755. *Ibid.*, 153.)

To enquire "whether there be any Money to be borrowed sufficient for the present Exigency of the Affairs of the Government." (September 24, 1755. *Ibid.*, 169.)

To consider "the Affair of the Recruiting Officers sent here by Governowf

essor was chosen, at a town meeting held May 11, 1756, it was

LAWRENCE for inlisting Men into his Majesty's Service in *Nova-Scotia*." (September 26, 1755. Journal of the House of Representatives, 1755, p. 171.)

"To make a proper Representation to his Majesty of the late important Victory obtained over General Baron Dieskau, and the French and Indians at *Lake-George*, by his Majesty's Colony Forces under the Command of Lieut. General Johnson; and that the present Situation of Affairs, especially relating to this Province, together with our peculiar Distresses, be set in a full Point of Light; and that a humble Application be made unto his Majesty for a Reimbursement of our late Charges, or for such Relief and Assistance as his Majesty in his great Wisdom and Compassion shall think meet." (September 26, 1755. *Ibid.*, 172.)

"To prepare a Bill to regulate the inlisting Soldiers." (September 27, 1755. *Ibid.*, 176.)

"To regulate the Sale of Poisons or other Drugs, by the Apothecaries, or any other Persons within this Province." (September 29, 1755. *Ibid.*, 179.)

To confer with the committee of the Council as to "their Non-concurrence of the Vote of this House, desiring his Honour to declare War against the *Penobscot* Tribe of Indians." (October 1, 1755. *Ibid.*, 184.)

"To prepare Letters to the Earl of *Hallifax* and Sir *Thomas Robinson*," "acquainting them with the Substance of the late Address of this Government to his Majesty; as also with the Instructions relating thereto to Mr. Agent Sharpe; and desiring them to favour us with their kind Assistance, that we may obtain that Relief under our present Distresses, which we are solliciting his most sacred Majesty for" (October 2, 1755. *Ibid.*, 185.)

To consider "Letters lately received from his Excellency Governor *SHIRLEY* and General *JOHNSON*." (October 23, 1755. *Ibid.*, 190. October 31, 1755. *Ibid.*, 210.)

"To prepare Instructions for the Commissioners appointed to repair to *Albany*, in order for the more effectual carrying on the Expedition against *Crown-Point*." (October 28, 1755. *Ibid.*, 203.)

To wait on the Lieutenant Governor, and "desire that he would be pleased to declare War against the *Penobscot* Tribe of Indians." (October 30, 1755. *Ibid.*, 208.)

"To prepare a proper Vote for allowing the Exportation of Gun-Powder from this Province to the Neighboring Governments." (November 4, 1755. *Ibid.*, 216.)

"To inquire into the Circumstances of the said *French* People, [from *Nova Scotia*] and report to this House the State they shall find them in." (November 5, 1755. *Ibid.*, 218.)

"To examine into the State of the *French* on Board the several Transports now in the Harbour of *Boston*." (November 6, 1755. *Ibid.*, 224.)

"To order and direct in the Disposition of such of the Inhabitants of *Nova-Scotia*, as are or may be sent hither; and that they dispose of them in such Manner as may be least inconvenient to this Government." (November 7, 1755. *Ibid.*, 226.)

To consider "the Affair of the four Towns which have withdrawn from this Government, and put themselves under the Jurisdiction of the Government of *Connecticut*." (December 16, 1755. *Ibid.*, 234.)

To examine "An Act for regulating the Inlistment of Soldiers into his Majesty's Land Service" "and make the proposed Amendments." (December 16, 1755. *Ibid.*, 234.)

“Also unanimously Voted that the Thanks of the Town be and hereby is given unto M^r William Cooper for the good Services he has done the Town as their Representative for the Year past.”¹

At the town meeting² of March 9, 1761, he was chosen

“On the Impost and Excise Bills.” (December 17, 1755. *Journal of the House of Representatives*, 240.)

“To prepare and bring in a Bill allowing a Lottery for the Benefit of the Town of *Boston*, for the better repairing and maintaining the Road over *Boston-Neck*, so called, and report thereon.” (December 19, 1755. *Ibid.*, 245.)

To consider “the past Proceedings of the Court” relative to Province Lands. (December 26, 1755. *Ibid.*, 262.)

“Mr. Cooper communicated to the House his Thoughts upon the Affair of an Excise, which he read at his Seat, and then laid on the Table.” (December 26, 1755. *Ibid.*, 264.)

“To provide for the Support of such Inhabitants of *Nova-Scotia*.” (December 27, 1755. *Ibid.*, 266.)

To consider “the last Year’s Excise-Act; Mr. Hooper’s and Mr. Cooper’s Tho’ts on an Excise-Bill,” etc. (January 15, 1756. *Ibid.*, 271.)

To consider “the Pilotage of the Harbour of *Boston*, more especially with Regard to the Keeper of the Light-House.” (January 22, 1756. *Ibid.*, 281.)

To enquire “what Sums of Money are due to the Province.” (January 26, 1756. *Ibid.*, 289.)

To enquire “into the Conduct of the several Commissaries on the Western Frontiers of the Province.” (February 4, 1756. *Ibid.*, 310.)

To consider the account of the “Trustees for the Affairs of the *Punkapoug Indians*.” (February 10, 1756. *Ibid.*, 322.)

To consider “the Cost and Charge this Province hath been at in the *Crown-Point Expedition*.” (February 11, 1756. *Ibid.*, 325.)

To examine “sundry Accounts of Persons living on the Western Frontiers of the Province, for Billeting Soldiers sent from the Government of *Connecticut* for the Defence of the Inhabitants there.” (February 11, 1756. *Ibid.*, 325.)

“To prepare the Draught of a proper Vote relating to the Commencement of the Subsistence of the two Thousand Men raised to Reinforce the Army in the late *Crown-Point Expedition*.” (February 26, 1756. *Ibid.*, 373.)

“To farm out the Excise on spirituous Liquors for the County of *Suffolk*.” (March 3, 1756. *Ibid.*, 386.)

To raise “Men for the intended Expedition against *Crown-Point*.” (April 2, 1756. *Ibid.*, 429.)

To wait on the Governor to know “whether he can advance the Sum of *Twelve Thousand Pounds Sterling* to this Government, for the *Crown-Point Expedition*, out of the Money in his Hands belonging to the Crown.” (April 7, 1756. *Ibid.*, 440.)

To consider the “Petition of *Joseph Mitchell*.” “One of the Neutral French Inhabitants late belonging to *Nova-Scotia* now residing at *Marshfield* in the County of *Plymouth*.” (April 20, 1756. *Ibid.*, 487; *Mass. Archives*, XXIII. 51.)

¹ *Boston Town Records*, IV. 379.

² *Ibid.*, IV. 464.

The *Boston Gazette* of Monday, March 15, 1784, contains the following:—

“An Inhabitant of this Town expresses his happiness, that notwithstanding the opposition, the Office of Town Clerk remains with its former Possessor — observing that an old Servant, who, as in this Case, has ever executed his Trust

Town Clerk succeeding Ezekiel Goldthwait, who had held the office for twenty consecutive years. William Cooper held it for even a longer period, being annually elected from 1761 till 1809, the year of his death, sometimes by a unanimous vote and sometimes by a majority vote.

He took an active part in all town affairs and was a member of many important committees.¹

with Faithfulness, and that too in the worst of Times, when double Diligence and Attention were requisite — that, a Person thus proved worthy of his Employment ought still to be employed."

At a town meeting held March 8, 1790 (Town Records, VIII. 142),

"A Letter from Maj: William Thompson to the Selectmen of Boston, inclosing the Copy of a hand bill which had on the Saturday preceeding been dispersed in this Town containing his offer to serve in the Office of Town Clerk for one half the Salary granted the last Year to the present Clerk & requesting that they may be read to the Inhabitants, previous to the Votes being given in for a Town Clerk — were accordingly distinctly read by the Town Clerk — a short Pause followed The Inhabitants were then directed by the Selectmen to withdraw, and bring in their Votes for a Town Clerk, and the same having been brought in and sorted, it appeared that the whole number was 616. and that

William Cooper

having 512 of said Votes, was chosen Town Clerk for the Year ensuing."

¹ He was also a fireward for thirty-five successive years — from 1755 to 1790 — being annually chosen to that office. After his election in the latter year (Town Records, VIII. 144, 153) he announced that he must now decline that Service, whereupon it was

"Voted, That the Thanks of the Town be and hereby are given unto M^r Cooper for his good Services during so long A Period."

He served also on the following town committees : —

To audit the "Town Treasurers Accompts" and the "Accompts of the Overseers of the Poor" (March 10, 1746 /7; Town Records, IV. 128; March 12, 1750 /1. *Ibid.*, IV. 254; March 13, 1758. *Ibid.*, IV. 304; March 12, 1754. *Ibid.*, IV. 340; May 11, 1756. *Ibid.*, IV. 380; March 14, 1757. *Ibid.*, IV. 384½; March 14, 1758. *Ibid.*, IV. 418½.)

To consider how to reduce the Town's Expenses. (March 12, 1750 /1. *Ibid.*, IV. 252.)

To "Reduce the present Excessive price of Provisions" etc. (March 9, 1752. *Ibid.*, IV. 275; March 10, 1752. *Ibid.*, IV. 284.)

To "Visit the Publick Schools." (March 13, 1753. *Ibid.*, IV. 310; May 15, 1754. *Ibid.*, IV. 346; May 10, 1757. *Ibid.*, IV. 393; June 15, 1756. Selectmen's Minutes, X. 5.)

To draft a petition to the General Court "that the Town may be Abated such Taxes as have been usually paid by those of its Inhabitants that the last Summer remov'd into the Countrey Towns to avoid the Small pox and paid Taxes there." (March 13, 1753. Town Records, IV. 311.)

"To Enquire what Fines have been paid into the Town Treasury for several years Past." (March 12, 1754. *Ibid.*, IV. 387.)

"To Consider of some Method of lessening the Publick Taxes," etc. (May 15, 1754. *Ibid.*, IV. 349.)

"To forward the Letter now read" to Christopher Kilby the Agent for the Town in London. (January 3, 1755. *Ibid.*, IV. 360.)

At a Council held in Boston, December 19, 1759, His Excellency the Governor (Thomas Pownall) nominated

To consider methods "for promoting a more general Reformation of Manners." (March 8, 1758. *Town Records*, IV. 377½.)

To examine the accounts of the "Managers of Boston Lotteries for raising Monies to Pave & Repair the Neck." (November 1, 1757. *Ibid.*, IV. 401; March 14, 1758. *Ibid.*, IV. 412; May 16, 1758. *Ibid.*, IV. 416½.)

To consider "what is necessary to be done for the preservation of Beacon Hill." (May 16, 1758. *Ibid.*, IV. 416.)

To prepare instructions to the Representatives in the General Assembly or Great and General Court. (March 10, 1760. *Ibid.*, IV. 443; May 20, 1772. *Ibid.*, V. 362, 364; May 5, 1773. *Ibid.*, V. 439; May 10, 1779. *Ibid.*, VI. 271.)

The official copy, in the handwriting of William Cooper, Town Clerk, of the Instructions to the Representatives adopted May 20, 1772, was presented to the Massachusetts Historical Society and printed in the Proceedings of the Society. (1 Proc. Mass. Hist. Soc., XII. 9.)

See also 2 Proc. Mass. Hist. Soc., IV. 50, 51, for a letter of the Town Clerk of Boston to all the towns of the Commonwealth enclosing the instructions concerning the Fisheries voted at the Town Meeting, December 11, 1781.

To consider "increasing the number of Watchmen, and advancing their Wages, or enter into any other measure, for the better security of the Town." (June 10, 1761. *Town Records*, IV. 492; June 17, 1761. *Ibid.*, IV. 492.)

"To Consider of some suitable methods for employing the Poor of the Town, whose Numbers and distresses are dayly increasing by the loss of its Trade & Commerce." (March 13, 1769. *Town Records*, V. 129.)

"To enquire into the Titles to the Dock." (September 20, 1770. *Ibid.*, V. 272.)

To consider "that some steps may be taken to vindicate the Character of the Inhabitants grossly injured by some partial and false publications relative to the trials of Cap^t Preston &c." (March 12, 1771. *Ibid.*, V. 291; March 19, 1771. *Ibid.*, V. 295.)

To consider what shall be paid for lands taken for a new street. (May 7, 1771. *Ibid.*, V. 302.)

To attend the Committee when about to fix upon the places of the "Lamps that are to be Erected in this Town," as their proper placing "is of great importance for the convenience and eligance of the Town." (May 11, 1773. *Ibid.*, V. 451, 452. See also V. 497-500.)

On filling up the Town Dock. (March 15, 1774. *Ibid.*, V. 489.)

To obtain leave to use the Old South Meeting House for the Town meeting held June 27, 1774, to consider the conduct of the Committee of Correspondence, Faneuil Hall "not being sufficient to contain all the Inhabitants assembled." (*Ibid.*, V. 521.)

"To draught a Vote of Thanks of the Town of Boston expressive Of their Gratitude for the benevolent Assistance which they have received from the other Colonies, during their present Calamities & particularly for generous Recomendation of the respectable Continental Congress for farther Support from their Sister Colonies, during their unhappy Struggles, under the arbitrary & oppressive Measures of the present British Administration." (December 7, 1774. *Ibid.*, VI. 3.)

"To wait upon Joseph Warren Esq. & acquaint him, that it is the Desire of the Town" that his "Oration to commemorate the Horrid Massacre of the fifth of March 1770" be delivered "at the Old South Meeting House, at half after 11 O'Clock this Forenoon." (March 6, 1775. *Ibid.*, VI. 15.)

"To wait upon the Rev^d Peter Thacher" who had delivered at the request

"M^r William Cooper and M^r John Cotton to be joint Registers of the Probate of Wills &c for the County of Suffolk."¹

of the Town of Boston in Watertown Meeting House March 5, 1776, an oration on the "Horrid Massacre" "& in the Name of the Town, to require of him a Copy of the said Oration for the Press." (March 5, 1776, at Watertown. Town Records, VI. 34.)

To apply to a proper Gentleman to deliver an Oration 5th of March next. (March 5, 1776, at Watertown. *Ibid.*, VI. 84.)

"To wait upon Benjamin Hitchburne, Esqr" who had delivered at the request of the Town March 5, 1777, an Oration on the Horrid Massacre & request a copy for the press. (March 5, 1777. *Ibid.*, VI. 101.)

To apply to a proper Gentleman to deliver an Oration 5th of March next. (March 5, 1777. *Ibid.*, VI. 101.) The committee made choice of Jonathan Williams Austin.

To apply to a proper Gentleman to deliver an Oration 5 of March next. (March 5, 1778. *Ibid.*, VI. 153.)

To report what may be further done to prevent the return of "those Persons that have left this Town, & have sought & Received Protection from the British King." (August 6, 1778. *Ibid.*, VI. 194, 195; see also *ibid.*, VI. 208.)

To report measures for the Town to adopt "in order to releive the Inhabitants under their great and growing difficulties." (January 13, 1779. *Ibid.*, VI. 215.)

To present a memorial and address to Major-General Gates. (January 16, 1779. *Ibid.*, VI. 221.)

Reports for Committee appointed March 5, 1778, that they had appointed Col. William Tudor to deliver an Oration on the Horrid Massacre. (March 5, 1779. *Ibid.*, VI. 237.)

To wait upon William Tudor Esq^r who had delivered an Oration on the Horrid Massacre and request a copy for the press. (March 5, 1779. *Ibid.*, VI. 239.)

To apply to a proper Gentleman to deliver an Oration 5 March next. (March 5, 1779. *Ibid.*, VI. 239.)

To regulate the prices of imported goods and articles of consumption. (August 16, 1779. *Ibid.*, VI. 301, 305.)

At a town meeting held in Boston, October 28, 1777, "The Town Clerk having acquainted the Town, that being just recover'd from a Fever, the stormy Weather would not permit his attending the Meeting," Harbottle Dorr was chosen Town Clerk *pro tem.* (*Ibid.*, VI. 136.)

At a town meeting held in Boston, September 9, 1779, "The Inhabitants being Informed that the Town Clerk was by Sickness prevented from giving his Attendance," Samuel Ruggles was appointed Town Clerk *pro tem.* (*Ibid.*, VI. 316.)

At a town meeting held September 14, 1779, he being still "detained at home by sickness," Elisha Avery was chosen clerk *pro tem.* (*Ibid.*, VI. 319.)

He served also on these committees:—

To consider what Sums may be necessary for the town to raise to defray the Charges of the present year, etc. (June 28, 1780. *Ibid.*, VI. 444.)

To wait on Mr. Jonathan Mason, Jun^r who had delivered an Oration on the Horrid Massacre and request a copy for the press. (March 6, 1780. *Ibid.*, VI. 380.)

"To consider what further provision is necessary for the Work House." (March 14, 1780. *Ibid.*, VI. 376.)

"To prepare an Address to his Excellency John Hancock Esq^r congratulating

¹ Council Records, XIV. 141. Boston News Letter, December 20, 1759.

At a Council¹ held in Boston November 5, 1761, His Excellency the Governor, Sir Frances Bernard, nominated

“ M^r William Cooper and M^r John Cotton to be Joint Registers of Probate. for the same County.”

He was among the Sons of Liberty who dined August 14, 1769, at Liberty Tree, Dorchester,² and he early became conspicuous among the opponents of the Government. The Boston Gazette³ came to be looked upon as the organ of the Revolutionary party, and its office in Queen Street was much frequented by the leaders of that party.

him on his late Appointment ” “as first Governor of the Commonwealth of Massachusetts, by the almost unanimous Sufferages of the People ” and “to wait upon his Excellency, and in the name of the Town, to present him with said Address.” (November 2, 1780. *Town Records*, VI. 464, 465.)

To wait on Mr. George Richards Minot who had delivered an Oration on the Horrid Massacre and request a copy for the press. (March 5, 1782. *Ibid.*, VII. 52.)

“ To prepare an Address to His Excellency the Baron Viomenil General & Commander in Chief of the Forces of his Most Christian Majesty, lately arrived in this Town.” (December 7, 1782. *Ibid.*, VII. 161.)

He was one of the Committee which reported against forming into one county ten towns in Suffolk and four in Middlesex. (May 14, 1784. *Ibid.*, VII. 345.)

He reported for the Committee to consider the “Petition of a Number of Gentlemen for being Incorporated as a Fire Insurance,” that in the opinion of the Committee “it will not be for the Advantage of the Town, that such an Institution should be established.” (May 23, 1785. *Ibid.*, VII. 439.)

He was a member also of the committee:—

To consider the Expediency of Erecting Stalls in the Market square. (October 26, 1791. *Ibid.*, VIII. 235.)

To consider “the By Laws of the Town.” (March 12, 1792. *Ibid.*, VIII. 267.)

To consider and state “the objections to the several articles of the Treaty ” “now pending between the United States and Great Britain ” “that the same may be respectfully represented by an address to the President of the United States, and request the interposition of his constitutional Authority to prevent the said Treaty being carried into effect.” (July 10, 1795. *Ibid.*, VIII. 485.)

To “take into Consideration a late law of this Commonwealth intitled ‘An Act to prevent the spread of of Contagious Distempers.’” (March 12, 1798. *Ibid.*, IX. 60.)

To consider “What steps shall be taken to prevent dead Carcasses being thrown into the Mill Pond” and “To prevent the Sale of Oysters in the Summer Months.” (March 12, 1798. *Ibid.*, IX. 63.)

¹ Council Records, XV. 43.

² 1 Proc. Mass. Hist. Soc., XI. 140; Diary of John Adams, I. 218.

³ Transactions of the American Antiquarian Society, VI. 54 n.; History of Printing in America, by Isaiah Thomas.

Memorial History of Boston, II. 404; III. 133, 134, “The Press of the Provincial Period ” and “The Press of the Revolution,” by Delano A. Goddard.

William Cooper contributed to the Boston Post-Boy and Advertiser of March 24, 1760, an account of the Great Fire of 1760. It has been reprinted in the New England Historical and Genealogical Register (XXXIV. 288).

In the Massachusetts Archives¹ there is the following letter from the Governor, Sir Francis Bernard, to Lieutenant-Governor Hutchinson:—

“ BOSTON July 29th 1769

S^r

As I am going to leave the Province I think it proper to inform you that after the Death of the late King, the Council advised me to appoint M^r John Cotton & M^r William Cooper to be joint Registrars of the Court of Probates in the County of Suffolk they being then in the same Office: but that upon some Doubts of the form of such Appointment it was deferred for some time. In this Interval I discovered that M^r Cooper was so unfit to bear any Commission under the King, that I determined not to compleat this Appointment in Regard to him: but having no Objection to the nomination of M^r Cotton, I should have made out a Commission to him if I had not doubted of the Propriety of separating Persons named by a Joint Vote of Approbation: but I intended to have settled this Matter with the Council by the first Opportunity. In the mean Time the Faction which has harrast this Country by setting them in Opposition to the King & Parliament (in which Faction M^r Cooper was known to bear a principal Part) had gained so much Ground and created a general Intimidation amongst good Men who desired to be quiet, that I could not find a proper Opportunity to propose this matter to the Council. I therefore left the Office to be executed under the former Commission, which appointment must be understood to continue while it was acquiesced in by the Judge. But being now leaving the Province I think it necessary to inform your Honour that there is no Commission of the Office of Registrar of the Court of Probates for the County of Suffolk granted by me since the Death of the late King; and therefore the Place, as I understand, is still vacant and remains to be filled up; and I must add that M^r William Cooper is (in my Opinion) a most unfit Man to serve the King in any Office whatsoever.

I am with great Regard
S^r Your most obedient
humble Servant

The Honorable
Lieut Gov^r HUTCHINSON.”

FRA BERNARD

The massacre in King Street took place on the night of March 5, 1770. At the meeting² of the inhabitants which was held in Faneuil Hall the following morning, William Cooper acted as Moderator until the Selectmen could be sum-

¹ Mass. Archives, XXV. 321.

² Boston Town Records, V. 211.

moned, they being then in consultation with the Lieutenant-Governor in the Council Chamber.

The minutes of the Tea Meetings¹ in 1773 are in the hand-writing of William Cooper.

He was Secretary of the Committee of Safety,² Clerk of the Committee of Correspondence³ for Boston and Clerk also of the Boston Committee of Correspondence, Inspection, and Safety.⁴

The following is a copy of a Royalist Handbill⁵ which was distributed among the British soldiers in September, 1774. It is addressed "To the Officers and Soldiers of his Majesty's Troops in Boston."

"It being more than probable that the King's Standard will soon be erected, from rebellion breaking out in this province, its proper that you soldiers, should be acquainted with the authors thereof, and of all the misfortunes brought upon the province, the following is a list of them, viz. — Mess. Samuel Adams, James Bowdoin, Dr. Thomas Young, Dr. Benjamin Church, Capt. John Bradford, Josiah Quincy, Major Nathaniel Barber, William Molleneux, John Hancock, William Cooper, Dr. Chauncy, Dr. Cooper, Thomas Cushing, Joseph Greenleaf, and William Denning. The friends of your King and Country, and of America, hope and expect it from you soldiers, the instant rebellion happens, that you will put the above persons immediately to the sword, destroy their houses and plunder their effects ; it is just they should be the first victims to the mischiefs they have brought upon us.

A Friend to Great Britain and America."

¹ These Minutes were printed in 1 Proc. Mass. Hist. Soc., XX. 10, from papers belonging to the Overseers of the Poor of the City of Boston.

² The Committee of Safety was chosen October 27, 1774, by the Provincial Congress. (Journal of the Provincial Congress, 85.)

³ The Committee of Correspondence was appointed in town meeting November 2, 1772, on motion of Samuel Adams. (Boston Town Records, V. 373.)

⁴ Boston Town Records, VI. 44.

The Records of the Boston Committee of Correspondence, Inspection, and Safety from May to November, 1776, have been printed in the New England Historical and Genealogical Register, XXX. 380, 441 ; XXXI. 81, 290 ; XXXII. 44 ; XXXIII. 23 ; XXXIV. 14, 167, 251. The Resolve of the General Court authorizing its election was passed February 18, 1776. William Cooper was chosen Clerk of this Committee May 21, 1776.

At a town meeting held in Boston August 29, 1776 (Boston Town Records, VI. 62) ten new members were elected "in the Room of those who have resigned, or look'd upon by the Town, as ceasing to be Members of said Committee, since their being chose Representatives," William Cooper being one of those whose places on the Committee were thus filled.

⁵ New England Historical and Genealogical Register, XXI. 60.

The last Boston town meeting¹ of which we have any record, before the siege, was held in Faneuil Hall, April 3, 1775. After disposing of certain matters, it was adjourned to April 17th, but there is no record of this adjourned meeting.

The Selectmen,² however, met on April 19th,—the day of the battle of Lexington,—but their records also end abruptly, and there is no official account of their proceedings.

No town meetings were held in Boston during the siege. There is a gap in the Town Records.³ The civil government came to an end. The Town Clerk left the town and cast in his lot with the Revolutionary party.

But the Provincial Congress sitting at Watertown passed a resolve⁴ July 5, 1775, directing William Cooper, Town Clerk of Boston, to notify the freeholders and others who were inhabitants of Boston, but were then dispersed, to meet at the Meeting House in Concord, on the 18th day of July, to choose a representative to a Great and General Court to be convened in Watertown July 19, 1775, "as the choice of representatives for that purpose, in legal town meeting, convened, in the common and ordinary way, is, at present, utterly impracticable," it appearing to this Congress that "the good people of the town of Boston, though at present in a dispersed state" should be represented in that Assembly.

Notifications of this meeting signed by "William Cooper Town Clerk of Boston" were printed in the newspapers outside of Boston. The Boston News Letter, that stanch supporter of the Government, in its issue of July 13, 1775, thus comments on one of these notices:—

¹ Boston Town Records, VI. 30.

² Boston Selectmen's Minutes, XV. 89.

³ The Boston Gazette of June 26, 1775, printed at Watertown, has an "authenticated Copy of the Agreement between General Gage and the Town of Boston," a report of the proceedings at a meeting of the inhabitants held April 22, 1775,—three days after the battle of Lexington,—but there is no official record of such a meeting. Henry Alline, Junr., who was afterward Register of Deeds for the County of Suffolk, acted on this occasion as Town Clerk pro tempore. After several adjournments of this meeting the inhabitants having delivered up their arms, General Gage finally issued an order allowing such of them as were so inclined to remove from the town with their families and effects. This order bears date April 27, 1775. A list of the names of those "who lodge their Arms with the Selectmen," in accordance with this agreement, "& also of the Number by each delivered," may be found in the Report of the Record Commissioners (XXIX. 321). See also Memorial History of Boston, III. 76.

⁴ Journal of the Provincial Congress, 450.

“Some have been wondering of late at the peaceableness of this Town; it is to be hoped that their surprize will now cease, when they find that Mr. Cooper, and the rest of our Town-meeting folks have adjoruned [sic] to Concord.”

After the General Court met at Watertown, “the dispers’d Inhabitants of Boston” were again called upon to choose a Representative to that body, for the remainder of the session, in place of Samuel Adams, who had been elected to the Council.¹ And they were “notified and warned” in a notice dated Watertown, August 25, 1775, signed “*WILLIAM COOPER, Town-Clerk of Boston*” and published as the former notice had been, “to assemble at the Meeting House in Watertown” September 5, 1775, for that purpose.

The result of this election was that William Cooper was declared chosen a Representative from the Town of Boston.²

It does not appear how many alleged inhabitants of Boston took part in these out-of-town meetings; but inasmuch as the civilian population, shut up within the town, is said to have been at the beginning of the siege 6573, we may safely assume that these ambulant “town meetings,” outside the lines, were far from being formidable in point of numbers. They seem, however, to have answered the purpose of their ingenious inventors and promoters.³

Having in this way become a member of a House of Representatives, so constituted, William Cooper speedily began to take a prominent part in its deliberations. He was chosen,

¹ Journal of the House of Representatives, 95, 97, August 22, 23, 1775; Massachusetts Spy, August 30, 1775; Boston Gazette (printed at Watertown), September 4, 1775.

² Journal of the House of Representatives, 107; Boston Gazette (printed at Watertown), September 11, 1775.

³ Other so-called “town meetings” for the Town of Boston were held in Watertown, during the siege, from time to time, when it suited the interests of their promoters, notices of them appearing in the newspapers of the day and an “audience of supposable Bostonians” at “Watertown Meeting House” March 5, 1776, listened to the “spirited Oration” of the Rev. Peter Thacher on the “Horrid Massacre of the 5th of March 1770,” and it was “received by them with the greatest Applause.” A record of this last meeting, however, which was styled a “Meeting of the Freeholders & other Inhabitants of the Town of Boston, at Watertown,” is to be found in the Boston Town Records, VI. 33. See also Memorial History of Boston, III. 96 note; Boston Gazette (printed at Watertown) September 11, 1775, November 13, 1775, November 20, 1775; Massachusetts Spy, September 20, 1775, December 8, 1775, February 16, 1776; Boston News Letter, December 14, 1775; New England Chronicle, February 22, 1776.

September 29, 1775, its Speaker pro tempore,¹ and he was active on many of its Committees.

¹ *Journal of the House of Representatives*, 128; *Boston Gazette* (printed at Watertown), October 9, 1775.

Some of these committees were as follows:—

“To settle such Accounts of the Committee of Supplies, as yet remain unsettled.” (September 20, 1775, October 17, 1775. *Journal of the House of Representatives*, 108, 171.)

To bring in a bill for regulating the militia of the Colony. (September 23, 1775; December 5, 1775. *Ibid.*, 118, 16.)

He was chosen December 14, 1775, Chairman of the Committee of the whole House to consider the Militia Bill. (*Ibid.*, 42.) See also *Ibid.*, 159, 169, 236.

To consider the Resolve of Congress forbidding the Sale of English Goods after October 10 next. (September 27, 1775. *Ibid.*, 121.)

To consider the expediency of fitting out a number of Armed Vessels. (September 28, 1775. *Ibid.*, 125.)

To examine the bonds of the Nantucket petitioners and see if they be sufficient. (September 29, 1775. *Ibid.*, 127.)

“To wait on his Excellency General *Washington*, and consult him on the Expediency of fitting out Armed Vessels, and to enquire if any Powder can be spared for that Purpose.” (September 29, 1775. *Ibid.*, 128.)

To “consider and report a proper Method wherein to bring Dr. *Church* before this House.” (October 17, 1775. *Ibid.*, 171.)

On “A Petition of *William Greenleaf*, in Behalf of the Overseers of the Poor of *Boston*, praying the Sum of *One Thousand Pounds*, to enable them to purchase Winter Stores for the Support of said Poor in *Salem Hospital*.” (October 20, 1775. *Ibid.*, 177.)

“To enquire into the State of the Treasury.” (October 21, 1775, December 5, 1775. *Ibid.*, 184, 16.)

For “selecting such Resolves of the Congresses of this Colony as are proper to be printed.” (October 23, 1775. *Ibid.*, 189.)

“To direct proper Refreshments for the Guards that shall attend Dr. *Church*.” (October 27, 1775. *Ibid.*, 200.)

“To wait on General *Washington* this Evening, and desire him to defer giving Orders concerning obtaining Muster Rolls of the several Regiments raised by this Colony.” (October 31, 1775. *Ibid.*, 215.)

“To bring in a Resolve to remedy the difficulty under which the County of *Suffolk* are labouring thro’ want of a Goal.” (November 9, 1775. *Ibid.*, 252.)

“To consider what Precautions are proper to be taken to prevent the spreading of the Small-Pox by Means of Persons coming out from the Town of *Boston*, and what Provision is requisite to be made for transporting into the Country such Persons as may come out, who are unable to transport themselves.” (November 10, 1775. *Ibid.*, 258.)

To procure a number of copies of the Resolve supplying the army with wood. (December 2, 1775. *Ibid.*, 11.)

“To bring in a Bill for the further Emission of Bills of public Credit.” (December 5, 1775. *Ibid.*, 16.)

He reported December 9, 1775, concerning “Plates for striking off a new Emission of Bills,” and he was ordered “to bring in a Resolve for agreeing with Mr. *Revere*.” Paul Revere had made a proposal for printing the bills. (*Ibid.*, 28; Mass. Archives, CXXXVIII. 271.)

“To take into Consideration the State of the Poor of *Boston*, lately come out,

At a Council held in Watertown, August 24, 1775,

and also a Letter from the Committee at *Point-Shirley*." (December 6, 1775. *Journal of the House of Representatives*, 17.)

"To take into Consideration the Conduct of Mr. *Rand* . . . a suspected Person." (December 8, 1775. *Ibid.*, 25.)

"To take into Consideration a Letter from *Thomas Crafts*, jun. informing that the Small-Pox has broke out in two Families that are brought out of *Boston*, and that they are in great need of Fire Wood." (December 11, 1775. *Ibid.*, 32.)

"To bring in a Resolve for the Purpose of establishing Committees of Correspondence in the several Towns in this Colony." (December 15, 1775. *Ibid.*, 45.)

"To consider a Letter from the Committee of the County of *Fairfux*, in *Virginia*, and a Letter from General *Washington*, inclosing it, relative to a Sum of Money sent to him for the suffering Poor of *Boston*." (December 16, 1775. *Ibid.*, 46.)

"To consider a meet Grant to the President of *Harvard-College*." (December 26, 1775. *Ibid.*, 75.)

"To bring in a Resolve for raising the Price of Hay." (January 15, 1776. *Ibid.*, 147.)

"To consider what further is necessary to be done for supplying the Army with Hay." (January 15, 1776. *Ibid.*, 148.)

"To consider the necessity of raising a Company of Matrosses to defend the Fortresses erected in the Town of *Marblehead*." (January 17, 1776. *Ibid.*, 162.)

To consider "a Resolution of the *American Congress* passed January 2d, 1776." (January 19, 1776. *Ibid.*, 175.)

"To confer with his Excellency General *Washington* at large, on the subject of raising a Regiment for reinforcing the Army in *Canada*." (January 20, 1776. *Ibid.*, 176.)

"To bring in a Resolve for raising the Regiment to go into *Canada*." (January 21, 1776. *Ibid.*, 178.)

"To Revise the several Resolves of this Court relative to *Salt-Petre*, and report what is proper further to be done." (January 22, 1776. *Ibid.*, 186.)

"To bring in a Bill for regulating the Commencement and Prosecution of Civil Actions." (January 29, 1776. *Ibid.*, 222.)

"To consider the State of the Ordnance, &c. at *Falmouth*." (February 7, 1776. *Ibid.*, 254.)

On the 18th of March, 1776, — the day after the evacuation of *Boston* by the Royal forces, — "the honorable *William Cooper*, Esq; Speaker pro. tem. being absent," the House appointed another to act in his stead.

"Mr. Speaker *Cooper*" and others were appointed a committee March 19, 1776, "to go into *Boston*, and make Enquiry into the State of that Town, with respect to the Small-Pox, to direct the removal of any infectious Persons, and to take such Measures to prevent the spreading of that Distemper as they may think proper." (*Ibid.*, 18.)

"Mr Speaker *Cooper*" was on the committee appointed March 23, 1776, "to provide a dinner for his Excellency General *Washington*, and the other General Officers, with their Suits, the Council, the Speaker, and the Ministers of *Boston*." (*Ibid.*, 36.)

"To repair to the Town of *Boston*, and there take, or cause to be taken, just and true Accounts of said Houses and Real Estates, Personal and other moveable Effects, the Property of the before-mentioned Mandamus Counsellors, and others, to commit the Charge and Care of said Estates and Effects to such suitable Persons as they may judge proper, and to make Report of their Proceedings hereon." (March 23, 1776. *Ibid.*, 37.)

“ William Cooper was Nominated to be Register of Probate for the County of Suffolk to which Nomination his Majesty’s Council did advise & consent.”¹

He held this office until 1799 when he resigned and was succeeded by Perkins Nichols.²

At a Council³ held in Watertown September 8, 1775, “William Cooper Esq.” was appointed a Justice of the Peace for Suffolk County.

The following letter⁴ from Thomas Cushing, the Revolutionist Judge of Probate,⁵ to William Cooper, dated Philadelphia, October 23, 1775, is of interest: —

“ To lay before the Court a particular Sketch of the Harbour of *Boston*.” (March 25, 1776. *Journal of the House of Representatives*, 40.)

“ To repair to the Town of *Boston*, and to take or cause to be taken a just and true Inventory of all the Estates, . . . belonging to such Persons as have departed the said Town.” (March 25, 1776. *Ibid.*, 40.)

“ To wait on his Excellency General *Washington*, and request, as this Colony is greatly weakened by the Destruction of our Fortifications and warlike Stores by our Enemies, and will be more so on the removal of the Continental Army, as a large Proportion of the Men and Arms therein are from this Government, that he would further consider the exposed State of this Colony; and if it is consistent with the general Interest, he would continue here six Regiments of the Continental Troops, and two Companies of the Train of Artillery, for the Defence thereof, instead of the three or four Regiments his Excellency informed this Court he intended to leave.” (March 25, 1776. *Ibid.*, 42.)

“ To report a Form of Beating Orders and Inlisting Papers for the Regiment raised to fortify *Boston*.” (April 10, 1776. *Ibid.*, 108.)

“ To consider what Number of Artillery Men it is Expedient to raise for the Service of this Colony.” (April 13, 1776. *Ibid.*, 120.)

“ To bring in a Resolve for appointing a Committee of War.” (April 29, 1776. *Ibid.*, 194.)

“ To bring in a Resolve empowering of the Committee for fortifying *Boston*, to hire a further Number of Men, not exceeding two Hundred.” (May 2, 1776. *Ibid.*, 237.)

To consider “sundry Matters proposed by the Committee for fortifying the Harbour of *Boston*.” (May 4, 1776. *Ibid.*, 245.)

On the “Report of the Committee appointed to consider what is proper to be done to promote the raising Col. *Whitney’s* Regiment.” (May 4, 1776. *Ibid.*, 245.)

¹ Council Records, XVII. 43; *Massachusetts Spy*, October 20, 1775; *Boston Gazette*, October 9, 1775.

² Council Records XXXIII. 185, 190.

The Columbian Centinel of Wednesday, November 27, 1799, announces: — “ *PERKINS NICHOLS*, Esq. is appointed Register of Probate for the County of Suffolk, in the room of *Wm. COOPER*, Esq. resigned.”

³ Council Records, XVII. 90; *Massachusetts Spy*, October 13, 1775; *Boston Gazette*, October 2, 1775.

⁴ 4 Mass. Hist. Soc. Coll., IV. 364.

⁵ Thomas Cushing may be called the Revolutionist, to distinguish him from Foster Hutchinson, the Loyalist Judge of Probate. The Court House for the

"DEAR SIR, . . .

I am obliged to you for the inquiry you made at Dedham, for a house for me; should be glad to govern myself by the opinion of the County, as to the place of holding the probate, provided at this difficult time I can be accommodated with such a place as will be agreeable to them. If I had been so happy as to have seen you before I left Watertown, I doubt whether it would have been proper for me to have signed any blank letters of administration, or letters of guardianship, before I had my commission, and more than a month before, by law, I could have entered upon the discharge of the office I was appointed to; for, if you will recollect, you will find, that, by the law that was made by the General Court upon this occasion, none of the new appointments were to take place till after the 20 of September last. This matter I considered before I left Watertown, or else should certainly have seen you previous to my departure, and have signed the papers you mention, which I am sensible, could it have been done with any propriety, would have been for the ease of the County. I am much surprised that any persons among us should just now think of dividing the County, especially at this very critical time, when we have so many other matters of the greatest magnitude to engage our attention. Such a thing was never attempted in any other County, without first notifying every town in the County of such an intention. Can the inhabitants of Boston, (the shire town, whose interest it so nearly affects,) in their present distressed, dispersed state, attend to a question of such moment? Certainly not. And will the inhabitants of the other Towns in the County take the advantage of this their distress? or if they would, will the General Court attend to them at such a time? Certainly not. . . . I cannot as yet form any judgment when I shall be able to return. Many interesting and important matters demand my attention and presence here. As, therefore, I shall be necessarily detained here for some time,

County of Suffolk was in Boston, and there, in the care and custody of John Cotton, the Loyalist Register of Probate, were all the files and records of the Probate Court, and there they remained during the siege. After the death of the Loyalist Register, Judge Hutchinson took them into his own custody and, on the evacuation of Boston by the Royal forces, carried them with him to Halifax, where they were safely kept during the whole of the Revolutionary War.

Thomas Cushing, the Revolutionist Judge, and William Cooper, his Register, were both appointed August 24, 1775, at Watertown, by the "Major Part of the Council" styling themselves "His Majestys Council," "The Places of Governor and Lieutenant Governor being vacant." A foundation for these and other appointments had been in some sort laid by the passage by the same General Court which met at Watertown July 19, 1775, of an act for removing all officers, both civil and military belonging to the Colony of Massachusetts Bay claiming under any appointment by any Governor, Lieutenant Governor, &c, of the Province of Massachusetts Bay. All to cease and determine from the 19th Sept. 1775 next. (Chap. IV., Acts of 1775; Council Records, XVII. 43; Boston Gazette, October 9, 1775; Massachusetts Spy, October 20, 1775.)

I have no objection that, during my absence, you should take guardian and administration bonds, in particular cases, where you may find it necessary; and I doubt not you will take special care and caution, that in all such cases the bondsmen are good and sufficient. Let me know whether it is necessary for me to return home immediately. . . . I congratulate you upon your late promotion as Speaker. [When] my friend is honored and meets with the approbation of his countrymen, I partake of the pleasure, and am always highly gratified. . . .

THOMAS CUSHING.

The Honorable William Cooper, Esq."

The first town meeting¹ in Boston after the siege was held in the "Old Brick Meeting House," March 29, 1776, — just twelve days after the evacuation of the town by the Royal forces, — and William Cooper was again elected Town Clerk for the ensuing year.

At a town meeting² held in Boston, May 23, 1776, he was elected a Representative to the General Court. He was chosen July 4, 1776, Speaker *pro tempore* of the House,³ and he was a member of various committees.⁴

¹ Boston Town Records, VI. 35.

² *Ibid.*, VI. 48.

³ General Court Records, 145.

⁴ Among these committees were the following: —

To make plans for the seizure of "any Vessels belonging to the Enemy, that may be coming into, or may Arrive in the Harbor of Boston." (June 15, 1776. General Court Records, XXXV. 52.)

To bring in a new Bill for the omission of tendering the Declaration in the Test Act. (July 2, 1776. *Ibid.*, XXXV. 136.)

The House resolved July 4, 1776, that the "Committee for taking Inventorys &c of the Estates within the Town of Boston, which have been left, or deserted by sundry Persons supposed to be inimical to the rights & Liberties of America, be, & they hereby are directed to make Sale of all Chaises & other Carriages belonging to such Estates, they first having the same appraised by the most suitable persons, & then advertizeing the same for Sale at such Appraizements, & all that may remain unsold at a day that said Com^{tee} may appoint, shall then be advertiz'd to be Sold at public Vendue." (*Ibid.*, XXXV. 149.)

To confer upon a Resolve to write to Gen'l Washington about military matters. (July 5, 1776. *Ibid.*, XXXV. 153.)

July 8, 1776, Mr. Cooper being absent, another was chosen Speaker *pro tempore* in his place. (*Ibid.*, XXXV. 158.)

To confer "on the subject of permitting persons inimical to America to depart this State." (General Court Records, October 9, 1776, to February 6, 1777; November 21, 1776, p. 218.)

On the Resolve commanding "Naval Officers not to permit any vessel to depart this State with Provisions" except what may be necessary for her crew during the voyage. (December 2, 1776. *Ibid.*, 263.)

"To consider immediately, in what way most beneficial to the United States, to employ the troops of this, and the neighbouring Governments, that are on their

He had served on several committees of the town to commemorate the "Horrid Massacre" which was annually from 1771 to 1783, celebrated by an Oration, but at the town meeting¹ held in Faneuil Hall, Monday, March 5, 1783, and adjourned to the Old Brick Meeting House to hear the oration of Doctor Thomas Welch,

"The Town did not proceed as usual to the choice of a Committee to provide an Orator to deliver an Oration the 5th of March next"

William Cooper, the Town Clerk, having made a motion to substitute therefor a celebration of the 4th of July in each year. This motion was referred to a Committee to consider and report. Their report² which was read at a town meeting held March 25, 1783, was as follows: —

"Whereas the Annual Celebration of the Boston Massacre on the 5th of March 1770, by the Institution of a Publick Oration has been found to be of eminent Advantage to the Cause of America in disseminating the Principles of Virtue and Patriotism among her Citizens; And whereas the immediate Motives which induced the commemoration of that day, do now no longer exist in their primitive force; while the Benefits resulting from the Institution may and ought to be forever preserved, by exchanging that Anniversary for Another, the foundation of which will last as long as time endures. It is therefore Resolved, that the Celebration of the fifth of March from henceforwards shall cease; and that instead thereof the Anniversary of the 4th Day of July A. D. 1776 (a Day ever memorable in the Annals of this Country for the declaration of our Independence) shall be constantly celebrated by the Delivery of a Publick Oration, in such place as the Town shall determine to be most convenient for the purpose — In which the Orator shall consider the *feelings, manners & principles* which led to this great National Event as well as the important and *happy* EFFECTS whether general or domestick, which already have, and will forever continue to flow from this Auspicious Epoch."

This report was accepted by the town, and Dr. John Warren delivered the first of these orations. From 1789 to 1809,

March to New York; and those that are ready to march." (December 30, 1776. General Court Records, 390.)

To "confer with Commodore Manly, Capt M^c Niel, and the Commanders of other Continental and Colonial vessels." (General Court Records, February 7, 1777, to October 25, 1777; April 17, 1777, p. 268.)

To consider how to better the "execution" of "the Laws of this State." (April 19, 1777. *Ibid.*, 289.)

¹ Boston Town Records, VII. 192, 196.

² *Ibid.*, VII. 225.

the year of his death, William Cooper was annually chosen moderator of the meeting called to celebrate in this manner the anniversary of the 4th day of July, 1776.

He lived in Hanover Street for many years, and in the returns made for Boston, in accordance with the Direct Tax of 1798, levied by the United States (Record Commissioners' Report, XXII. 298), the house is thus described:—

“**INCREASE SUMNER**, owner; William Cooper, occupier; brick dwelling; West on Hanover Street; North on Mrs. Hixon; South on Ins. Sumner; Kitchen, 320 square feet; 2 stories, 5 windows; brick.

Land, 1,718 square feet; house, 800 square feet; 3 stories, 22 windows; Value, 4,500.”

The Independent Chronicle of Wednesday, November 29, 1809, makes this announcement:—

“Last evening departed this life, after a short illness, the venerable **WILLIAM COOPER**, Esq. aged 88 years, deeply lamented by his numerous connections and friends, and by the citizens of his native town generally. As the first testimony of respect, his death was announced by the tolling of all the bells in the town. His character will hereafter be delineated by some person fully acquainted with its merits: at present it becomes us only to state, that he has been honored with the suffrages of his fellow citizens as Town Clerk forty-nine years successively, and it is worthy of remark, that during the whole of that time he was never absent from his duty at a Town Meeting.”

The Chronicle of Monday, December 4, 1809, gives this account of his funeral: ¹—

“On Saturday last, the remains of that venerable patriot and pious man **WILLIAM COOPER**, Esq. were interred in the family vault in the Granary Burying Ground, agreeably to the arrangements of the Selectmen of the town. The procession was lengthy and respectable, consisting of the principal public Officers of the town, country, state, and U. States, & a large number of his fellow-citizens, who entertained a respectful sense of his long and faithful services, and were impressed with a grateful remembrance of his patriotic virtues.”

The Boston Patriot of December 6, 1809, contains the following obituary notice:—

“On Tuesday, Nov. 28th, the venerable **WILLIAM COOPER**, in the 88th year of his age, resigned himself into the bosom of his

¹ The Selectmen, November 29, 1809, appointed a committee to make arrangements for his funeral. (Boston Selectmen's Minutes, 438.)

Father and his God. He was born in the year 1722, of respectable parents, no doubt, for his manners and education ever marked him the gentleman ; — and the worthy brother of the late celebrated Samuel Cooper, D. D.

Mr. William Cooper was bred a merchant, and in the early part of his life was one of the Representatives from Boston. He was for a long series of years Register of the Probate Court for Suffolk under every form of government that has been experienced in Massachusetts since his birth. He united to a competent degree of assiduity and intelligence in business a suavity of manners and a quick discernment of the characters of those with whom he had to do. The peculiar temperament of his mind and manners enabled him to glide smoothly down the stream of life ; — to be happy in himself, and never fail to afford satisfaction to those around him.

He was very active and ardent in the early stage of the American revolution ; and although he was not one of those master minds that are formed to move the universe, yet he was a co-operator with James Otis, Samuel Adams, Joseph Warren, John Adams and James Warren ; was perfectly in their confidence and esteem, and a constant attendant on all their meetings, both in public and in private.

Mr. Cooper was one of *the Boston board of safety* during the war ; and officiated as its Secretary.

In 1760, when Mr. Cooper was about 38 years of age, he was chosen Town Clerk of Boston. In that respectable annual office he has continued uninterruptedly till the day of his death. This circumstance is a very just criterion whereby to judge of his integrity, his intelligence, industry, and deportment, towards his fellow citizens.

Like the venerable Judge Cushing Mr. Cooper has lived through all changes of political times and seasons, without ever losing either his place ; or the good opinion of those who bestowed it — and without any change of principles.

Mr. Cooper was a decided Republican. His most happy and active days were spent in arranging the preliminary scenes of the revolution. Had he lived to the age of Nestor he would never have ceased to be a friend of liberty and the rights of man ; yet if all men were like him (judging from what we have seen of him in the decline of life) we venture to assert there would be no such thing as party. He never concealed, he never could conceal his sentiments ; yet we believe he never obtruded them in any time, place or manner, wherein they could give offence, or fail to have their intended good effect.

His remarkable health and long life indicate that he was born with a fine constitution, which he never injured, by any irregular habit. In him we have witnessed a man whose age, usefulness and good temper made him truly honorable. He seemed to be a stranger to that

decrepitude and petulance which often destroys the dignity of years. He seems ever to have improved his talents to the best advantage ; and to have lived and died a model for all good men."

He died intestate, and administration on his estate was granted January 8, 1810, to his son "John Cooper Esquire of Machias."

He married in Boston April 25, 1745, Katharine, daughter of Jacob Wendell.

He had a large family of children, seventeen in number. But it is worthy of note—and it is a striking commentary on the condition of the Boston Records—that notwithstanding he was himself Town Clerk for so many years, the births of none of his children are recorded in the Town Records, although no fewer than six of them were born during his own term of office.

A Town Clerk who neglected to record the births of his own children could hardly be expected to show much concern for those of his fellow townsmen.

William Cooper's colleague in the Probate Office was John Cotton. They were friends and near neighbors. They lived within a stone's throw of each other. William Cooper must have had personal knowledge of all that happened in the Cotton family. Its joys and its sorrows could not have remained unknown to him. John Cotton was the father of eleven children. Eight of them were born, and all but one of them died, while William Cooper held the office of Town Clerk. Yet only the birth of one of these eleven children is to be found of record. The others have no official existence on the Town Clerk's books.

These meagre records of the Cotton and Cooper families are only two of a large number of instances of this neglect. They can be multiplied indefinitely. They are only two counts in the indictment. The same proportion holds good in the case of nearly all Boston families.

William Cooper cannot of course be charged with the shortcomings of his predecessors or his successors. But inasmuch as he held the office of Town Clerk for nearly half a century, his sins of omission are largely responsible for the deplorable deficiencies of the Boston Records.

Boston is the despair of the genealogist. It is practically impossible to compile complete and satisfactory family histories

of our old Boston families. Indeed, it is only during the latter half of the century which has just drawn to its close that any systematic or intelligent attempt has been made to record Boston births, marriages, and deaths.

Prior to that time probably not one in a dozen of the births, with deaths in a still smaller proportion, can be found of record, while perhaps fully a third of the marriages are missing.

The Boston records are in painful contrast to those of the other towns of Massachusetts. Their records have in general been kept with great care and are reasonably complete.

The record of the town meeting¹ held March 11, 1765, is strangely silent as to the choice of a Town Clerk for the ensuing year. Although William Cooper himself was undoubtedly on that day elected to this important office, he singularly enough neglected to make any record of the fact, and there exists no official account of the action of the town in that regard.

THE REGISTRY OF PROBATE.

The first Town House in Boston stood where now stands the Old State House. The expense of its erection was borne partly by the legacy left by Captain Robert Keayne for that purpose, and partly by subscriptions made by other public-spirited inhabitants.

The General Court,² in making an allowance to the Town toward the cost of the edifice, stipulated

“that sufficient roomes in the sajd house shall be for euer free, for the keeping of all Courts.”

This first Town House was destroyed by fire in 1711, and the second Town House — the present Old State House — “for the Province, County & Town,” was erected on its site.

The Boston Weekly News-Letter of March 19, 1730, makes this announcement: —

“ *These may Notify all Persons within the County of Suffolk, that in Consideration of the Small Pox being now in Boston, and for the benefit and safety of those living in the Country, The Hon. Josiah Willard Esq; Judge of the Probates of Wills, &c. for the said County intends to hold*

¹ Boston Town Records, JV. 613. See, however, the Boston News Letter of March 14, 1765.

² Mass. Col. Rec., IV. Part 1, 327.

his Court at Mr. Rogers's the Sign of the George near Roxbury, the last Monday in the Month, from Half an Hour after Nine in the Morning, to Half an Hour after Twelve.

*By Order of his Honour the Judge,
John Boydell, Reg."*

The Boston News-Letter of October 8, 1730, contains the following notice:—

"These may Inform all Persons within the County of Suffolk, That the Honourable Josiah Willard Esq; Judge of Probates for said County, will (for the future) hold his Court at his Own House in Boston every Monday as usual.

By Order of the said Judge. J. Boydell, Reg."

On Wednesday, December 9, 1747, this second Town House very narrowly escaped the fate of its predecessor. Only its substantial brick walls saved it from total destruction.

"Yesterday Morning between 6 & 7 o'Clock we were exceedingly surprised by a most terrible Fire, which broke out at the Court House in this Town, whereby that spacious and beautiful Building, except the bare outward Walls, was entirely destroyed."¹ "But the County Records, and Papers belonging to the Inferior Court, being deposited in an Office upon the lower Floor, were most of 'em preserved."²

The General Court,³ March 9, 1747/8,

"Voted that the late Court House in the Town of Boston be Repaired as soon as conveniently may be,"

and apportioned the cost to the Province, the County of Suffolk, and the Town of Boston.

The inhabitants of Boston being aggrieved at this apportionment at a town meeting January 7, 1750/1, voted to petition the General Court for relief,⁴ alleging as follows:—

"And your Memorialist accordingly Represent that it appears probable from the ancient Records of the Town that about the Year 1657 a House was built on the Towns Land for the immediate Use and Service of the Town, & that the Charge thereof was born by a Subscription of the Inhabitants — It further appears from the Province Law made in the

¹ Boston News Letter of December 10, 1747. See also Boston Gazette of December 15, 1747.

² Boston Evening Post of December 14, 1747.

³ Mass. Archives, XLIX, 211, 212, 213.

⁴ Boston Town Records, IV. 241-244.

year 1693. that the said House had some time before been made use of both by the Province and County as well as by the Town . . . In the Year 1711, by the Providence of God the said House was Consumed by Fire . . . The Town being then destitute of any House for publick Meetings, and other publick uses, agreed to the proposals made by the General Court . . . for rebuilding said House, and upon the Proportion which the Town should bear of the Charge thereof . . . But it pleas'd God in his providence in the month of December 1747. to Suffer the Town-house to be again Consumed by Fire, and this while in the immediate use and Service of the General Court ; ”

all the papers and records of the town having been removed in October, 1742, to the commodious building erected by Peter Faneuil for the town ; the rooms in the Town House which had been appropriated to the use of the town having been, on such removal, occupied by the General Court and the town excluded from any benefit thereof.

“ . . . Must it not then appear to your Honours a much greater hardship that the Town should be held to pay more than their proportion in common with the rest of the Province for the Charge of building a House, which they have no manner of Use and Occasion for & when those Rooms the Town formerly had in it for several years past have still been and still are wholly Improved by the Province.

Your Memorialists could Enlarge upon the unequal Proportion they Imagine they Pay to the Province Tax upon the Decrease of the Polls, Buildings and other Estate of the Town, and the declining State of their Trade, but they humbly Apprehend that without this, your Honours will be Induc'd to think favourably of this their Application, and that you will not Suffer the aforesaid Vote by which they apprehend themselves to be aggrevied, to take Effect, or that you will otherwise releive them, as to your Wisdom shall seem meet.”

But the General Court¹ seems to have been deaf to this appeal.

The Probate Office was then in Pudding Lane, now Devonshire Street.

In the Boston Weekly News Letter of Thursday, April 16, 1752, there appears this notice : —

“ THE Records of the Court of Probate, &c. for the County of *Suffolk* are remov'd to the House of *Robert Spur*, Esq; in *Dorchester*, where the Judge will hold a Court every Friday, from Nine to One

¹ General Court Records, XIX. 337.

o'Clock, until further publick Notice: and he proposes to Act upon such Business as the Inhabitants of the Country Towns are concern'd in on *Friday* next, and upon such Business as the Inhabitants of *Boston* are concern'd in, the *Friday* next after, and so alternately, to prevent, as far as may be, the Small-Pox being communicated from the Town to the Country. And the Inhabitants of the Town of *Boston* are desired to use all possible Precaution against bringing the Infection in their Apparel, Papers, or by any other Means, as one of the Officers of the Court is liable to the Distemper."

"As no Probate Business has been done in the said County for several weeks past, a Court will be held for the Inhabitants of *Boston*, on *Tuesday* next, but from thence forward on no other Day than *Friday*."

The Boston Weekly News Letter of Thursday, September 21, 1752, contains the following:—

"We are desired to inform the Publick, That the Records of the Probate-Office for the County of *Suffolk*, will be this Week remov'd from *Dorchester*, to the Office in Pudding-Lane in *Boston*, where they were formerly kept; and the Judge will hold his Court there, on *Friday* next from Nine o'clock in the Morning until One, and so on every *Friday* until further Publick Notice."

The condition of the Probate Records at this time may be learned from the following memorial¹ of Judge Hutchinson, who afterward became Governor Hutchinson:—

"To the honourable Spencer Phipps Esq L^t Governoour & Coman-
der in chief & the honourable his Majestys Council of the Prov-
ince of the Massachusetts bay

The Memorial of Thomas Hutchinson Esq Judge of the Probate of Wills &c^a for the County of *Suffolk*, humbly sheweth,

That upon your Memorialist entring upon the aforesaid Office he made enquiry into the state of the Records & Files and found that from some time in the year 1720 until some time in the year 1723 there are no authentick Records in any Book but part of the business of the Office during that term is copied on sheets of paper and about one half of said business lyes in the Original papers on file & have never been copied or Registered into any book or on Sheets of paper Your Memorialist apprehends it very unsafe for the County that the papers should remain in this state. Enquiry has already been made by an Executor to a Will proved during that Time for a Copy thereof but the Original cannot be found and there is danger that the Settlement of many Es-

¹ Mass. Archives, XVIII. 874; Council Records, XII. 261.

tates may be affected by this neglect. And as the several Probate Offices and what relates to them are subject to the direction of your Honour & the Honourable Board, your Memorialist therefore prays that such Order may pass in this Affair as to your Wisdom shall seem meet and as in duty bound shall ever pray &c^a

Tho HUTCHINSON

MILTON 27 June 1752"

At a Council held at the College Library in Cambridge June 27, 1752, " Read and Ordered That the Memorialist cause the several Papers mentioned in the Memorial to be recorded as soon as may be, and the further consideration of the memorial is referred till that be effected."

The Act¹ passed by the General Court in 1754, to enable John Payne, a clerk in the Probate Office, to attest the records from February 17, 1743, until February 1, 1754, they not having been, during all that time, attested by the Register of Probate as required by law, has already been cited.

The Records of the Court of General Sessions,² under date of November 7, 1752, contain the following:—

"The Petition of Andrew Belcher Esq^r Register of the Court of Probate as entred in January last Setting forth that the Records of the Probate office are kept in a place which has twice taken fire not owing to any Carelessness of the officer and therefore pray'd the Consideration of the Court; Whereupon the Court appointed Abiel Walley, Thomas Hubbard & John Philips Esq^r a Committee to take the Petition aforesaid into Consideration and Report to the Court which they have Accordingly done as is Set forth in their Report which the Court accepted off and thereupon appointed the aforesaid Committee to provide a Suitable place in order to lodge the Records of the Probate office in at the charge of the County."

This was followed, January 1, 1754, by the memorial³ of the Judge of Probate:—

"The Memorial of Thomas Hutchinson Esq^r Judge of the Probate of Wills & granting Administration &c. for the County aforesaid, Setting forth to this Court

That the Recconds of the probate office for s^d County are now & for many years past have been kept in a room not only Inconvenient for an office & holding Courts of Probate but extreemly unsafe, & exposed

¹ Acts of 1754-5, Chap. 2; Mass. Archives, XIX. 152; *ante*, p. 70.

² Minute Book of the Court of General Sessions of the Peace, II.

³ *Ibid.*, II.

to the Damage of fire he apprehending that with the expence of about one hundred and twenty or thirty pounds lawfull money a Convenient brick building might be erected on the County Land by the prison in the Town of Boston a room of about 20. or 22 feet square will be sufficiently large, and will be much Safer, than if there are any Other Rooms over it or contiguous to it. And he prays the Consideration of this Honble Court, &c.”

The Committee appointed by the Court on this memorial “reported [January 28, 1754] that they had Viewed the Land in s^d Mem^o mention’d, & were of Opinion that a Convenient Brick Building for the Probate office might be Erected in the front of said Land adjoyning to the County Goal, & thereupon It is Ordered that John Fayrweather, Joshua Winslow & Joseph Dowse Esq^{rs} be & they hereby are appointed a Com^{tee} to Erect a Brick Building on said Land for an office for the Judge of Probate for this County, & that they do it in the most convenient manner, & at the cheapest Rate they can.”¹

This Committee erected on Queen Street, now Court Street, a brick building for the Probate Office. It was ready for occupancy, December 3, 1754, for on that day

“John Fayrweather Joshua Winslow & Joseph Dowse Esq^{rs} a Committee appointed by this Court to Erect an office for the Judge of Probate for this County, reported that they had built said office, & the same was now Compleated.”²

But the new Probate Office proved far from satisfactory, as appears from the Report and Order³ made May 14, 1756, on a petition of the Registers of Probate:—

“The Petition of John Payne and John Cotton Registers of the Court of Probate, for the County of Suffolk— Setting forth That the

¹ Minute Book of the Court of General Sessions of the Peace, II.

² *Ibid.*, III.

The Court ordered payment to several persons named in the account of the Committee, among others to Alexander Young, “for Liquor deld Masons Carpenters, &c.” £1. 8. 2.

³ *Ibid.*, III.

The Boston News Letter of March 15, 1764, contains the following notice:—

“The Judge of Probate for the County of *Suffolk*, intends to hold a Court at his House in Milton. every Monday in the Forenoon whilst the Small-Pox continues in the Town of *Boston*.”

The official Report on the Small Pox, printed in the Boston News Letter of July 5, 1764, shows that 1,537 persons removed into the Country to escape infection.

Walls of the office of said Court were so damp that your Petitioners apprehend they Endanger their health thereby and that the papers & Recconds of said Office are very much exposed to the dust and Rot more especially since they have made use of Sea Coal firing, they further beg Leave to Represent to this Court that they are nat Considerable expence in providing Coals which they humbly apprehend ought to be a County Charge, and are Informed is so with Regard to the Clerks office of the Court of General Sessions of the peace for the s^d County and Your petitioners would hope that they are equally Entituled thereto, and therefore prayd that the Court wou'd have Consideration thereof, Which Pett^r was Preferd to the Court in January last, at Which time Joshua Winslow and Joseph Dowse Esq^r were appointed a Committee to make Enqui^ry into the Necessity thereof, & make report to the next Court. Which they have accordingly done, in the Words following

We the Subscribers being appointed to View the office within mentioned are of Opinion that it Would be of Service to have Glass doors placed before the Books and papers, also to have the lower part of the Wall lin'd with Boards, also some alteration in the Chimney. Which Report after being Read to the Court Was Accepted by them, And Joshua Winslow and Joseph Dowse Esq^r are desired to see that the Several things Reported, be done."

The Records of the Court of General Sessions under date of January 26, 1768, show the following petition:¹—

"The Petition of Sundry Inhabitants of the Town of Boston, praying that the wooden Shop adjoining to the Probate Office in Queen Street may be removed, they apprehending said Office to be much endanger'd by Fire, in case said Shop is suffer'd to remain there any longer. It is thereupon Order'd that the Sheriff of this County take care that said Shop be immediately taken down, or removed to some other place distant from said office."

As early as July 30, 1765, the Court of Sessions had appointed a committee to consider the expediency of building a new Court House and a new Jail.² The Jail was "begun the

¹ Minute Book of the Court of General Sessions of the Peace, IV.

² *Ibid.*, IV.

It was while the Probate Records were kept in the Brick Probate Office in Queen Street that the Stamp Act was passed.

These records, during the disgraceful riot of August 26, 1765, fortunately escaped the fate which befell the records and files of the Court of Vice-Admiralty, which, in part at least, were committed to the flames by the drunken mob in the attack made on the house of William Story, the Deputy Register of that Court. Swollen in numbers and "ripened in brievity and madness," after plun-

twelfth day of August 1766, and finish'd the twenty first of March 1767."

dering the house of Benjamin Hallowell Jr., the Comptroller of the Customs, and consuming the contents of his wine cellar, the rioters "with intoxicated rage" next fell upon the house of Thomas Hutchinson, Lieutenant Governor and Judge of Probate, demolishing every part of it except the walls. The wanton destruction of his large and valuable collection of manuscripts and papers, public and private, relating to the history of the colony from the first settlement—the accumulation of a lifetime and the only one of its kind—was a great and irretrievable loss, the extent of which can hardly be estimated.

In connection with this subject, the following letter is of interest and may properly claim to find here a place. Judge Hutchinson, writing to William Bollan under date of Boston, December 20, 1765, says:—

"Dr S^r

I thank you for your intell. by Scott The inclosed paper will surprize you. Affairs grow worse & worse I came to town to day uncertain whether I should not be obliged to go aboard this ship to avoid the like dishonorary submissions If something is not done that ye law may have its course I fear there will be a general overturn & confusion. It would be as much as a mans life is worth to touch a stamp if it was in his power to come at them.

The only post of safety is a private station

I shall inclose a rough draft of past proceedings because being from home I cannot have it transcribed

I am y^r humble

Dec 21 I have resigned my office of Judge of Probate to prevent a demand of proceeding in a way in wh^t I am not yet convinced the necessity of aff will justify, the governor refuses to accept my Resignation, some expedient is projecting I had an intimation of a design to compel me from particular prsons I mean to compel me to proceed without stamps." (Mass. Archives, XXV. 22.)

The following is from the Council Records under date of December 21, 1765:—

"The Hon^{ble} Thomas Hutchinson Esq^r Judge of Probate for the County of Suffolk, having made a motion to His Excellency in Council, that for some peculiar reasons he had mentioned, for leave to resign the Office of Judge of Probate absolutely or for a limited time, as should be judged best, and it being thereupon moved to the Council he might be permitted to make a Deputation to some person to act in the Office for a term not exceeding a year.

The said Motion was approved of, & advised to by the Board, provided that such Deputy shall be approved of at the next General Council appointed to be held on Wednesday the 1st day of January next." (Council Records, XVI. 78.)

The Boston News Letter of December 28, 1765, says:—

"We hear that on Saturday last his Honour the Lieutenant Governor desired Leave from his Excellency the Governor, in Council, to resign the Office of Judge of Probate for the County of Suffolk, either absolutely or for a limited Time."

At a meeting of the Council held January 1, 1766, final action was taken:

"The Governor and Council on the 21st day of December last having on the Motion of the Honorable Thomas Hutchinson Esq^r Judge of Probate of Wills &c for the County of Suffolk, allowed the said Judge to make a Deputation to a person to act in the said Office for a term not exceeding one year, provided such Deputy should be approved of at the General Council appointed to be held as on this day. And the said Judge being now present in Council and desiring that instead of his making a Deputation as aforesaid, His Excellency would with the

On the completion of the Jail, the Court turned its attention to the subject of a new Court House,¹ and on May 4, 1768,

“Order’d that the Brick Building Erected a few years since on the Land belonging to the County near the Goal in Boston, for an Office for the Court of Probate, be taken down, for the better Accommodation & Convenience of A New Court house — . . .

Order’d that a New Courthouse within the Town of Boston, for the Several Courts of Justice to Sit in, be Erected . . . on the Lands belonging to the County in Queen Street in Boston (on part whereof the old stone Gaol lately stood) . . . that on the lower Floor of said Building, s^d. Committee Assign & Sett off such parts of it, for the Probate Office, for the Register of Deeds, & for the Clerks of the Advice of the Council appoint some person for the term aforesaid. His Excellency did thereupon nominate Foster Hutchinson Esq; to be special Judge of the Probate of Wills &c for the County of Suffolk during the absence of the said Judge, and for a term not exceeding a year. To which Appointment, as aforesaid, the Council did Advise and Consent.” (Council Records, XVI. 81.)

Judge Hutchinson, under date of January 2, 1768, thus refers to this appointment:—

“ . . . I have held a place of about 60£ a year for a dozen years past Judge of Prob. for this county. The town of Boston alone at their meetings insisted that I should proceed without stamps & prayed the gov & council to direct me with the courts of common law so to do. I was determined not to comply but at a loss how to secure my self. In this state two of my friends who have always been watchful for my safety came to me and assured me further violence was just at hand & they could not say to what length it would be carried, unless I complied, left the Prov. or resigned my post & they were not sure the latter would be satisfactory. I pitched upon that however upon mentioning it to the gov. he thought he could not appoint a successor without a stamp & proposed my making a deputy I did not like this & upon further considering the act it was agreed a person might be appointed in my stead for a term not exceeding 12 months. I made my proposed voy^e to Engl^d the principal reason for my resigning & no great exception has been taken.” (Mass. Archives, XXVI. 193.)

The Boston News Letter of January 2, 1768, makes this announcement:—

“ We hear that FOSTER HUTCHINSON, Esq; is appointed Special Judge of Probate for the County of Suffolk, during the Absence of His Honour the Lieutenant-Governour, not exceeding the Term of Twelve Months.”

When the Stamp Act went into operation, the people generally refused to buy or use stamps, business was paralyzed, and the provincial courts were closed. This sullen determination had at last its effect, and the Freeholders and others, assembled in Town Meeting December 26, 1765 (Boston Town Records, IV. 671), were assured “ that the Courts of Probate within the Province would be opened; that the Sheriff of the County of Suffolk had served and was ready to serve all Writs brought to him, and that the Court of Common Pleas for said County next in course to sit, would meet & proceed to Business.” At an adjourned Town Meeting held January 16, 1768, it was announced that “ the Inferior Court of Common Pleas for the County together with the Court of Probate is now open and Business going on as usual.” Two months later, the Act was repealed.

¹ Minute Book of the Court of General Sessions of the Peace, IV.

Court of General Sessions of the peace, & Court of Common pleas, as they shall Judge to be necessary & convenient for their respective offices."

This Court House, which is described as "an handsome Brick Building," was finished early in the following year, the first session of the Court of General Sessions being held in it April 18, 1769.

The Probate Records were however already installed there, as appears from the following notice in the *Massachusetts Gazette* of March 9, 1769:—

"The Probate Office for the County of *Suffolk*, is now kept in the new Court House, *Boston*."—

But not long after its establishment there, Thomas Hutchinson — to whose efforts the erection of this "handsome Brick Building" was so largely due — who had been Judge of Probate for the County of Suffolk since April 3, 1752, except during the Stamp Act troubles, resigned and was succeeded August 3, 1769, by his brother Foster Hutchinson, the last Judge of Probate to hold that office under the appointment of a Royal Governor.

Foster Hutchinson, the new Judge, was likewise a Loyalist. During the siege of Boston the Records and Files of the Probate Court were kept in the new Court House in Queen Street, in the care and custody of John Cotton, the Loyalist Register of Probate.¹ After his death Judge Hutchinson took them

¹ See *ante*, p. 98.

Thomas Cushing, the Revolutionist Judge of Probate (see *ante*, p. 97), held a Probate Court during the siege outside the lines, as appears from the following notice:—

"County of *Suffolk*, January 22 1776

PUBLIC NOTICE is hereby given, that it is intended a court for the Probate of Wills, &c. shall be held at Dedham, in the said county, at the public house kept by Mr Woodward, on the first Monday of February next, and if that day should not be sufficient, on the day following and the like in each of the following months, until public notice is given to the contrary." (The *Boston Gazette* [printed at Watertown] Monday, January 29, 1776.)

After the evacuation of Boston the Probate Court was again held in the Court House in Queen Street.

"The Public are hereby notified that a Court of Probate will be held at the Probate Office at Boston, on every second and fourth Monday in this and the ensuing Months, until further Notice." (The *Boston Gazette*, printed at Watertown, June 17, 1776.)

"December 2, 1776

ALL concerned, are hereby Notified, That the Courts of Probate for the County of *Suffolk*, will, for the future, be held at the Probate-Office in Boston, on

into his own custody, and on the evacuation of Boston by the Royal forces carried them with him to Halifax.

After the siege, when the inhabitants had begun to resume their usual occupations and had returned to their ordinary ways of life, the loss of these records began to be severely felt, and many difficulties arose in the settlement of estates of deceased persons.¹

Fridays at Ten o' Clock in the Forenoon." (The Boston Gazette, printed at Boston, December 16, 1776.)

The Boston Gazette of Monday, March 12, 1781, contains the following notice:—

"BOSTON, March 10, 1781

The Judge of Probate for the County of Suffolk, agreeable to a Resolve of the General Court, passed the 13th of November 1780, informs the County, that he shall hold his Court of Probate in the Town of Medfield, on the First Tuesday of next April, June, August, October and December: And at the House of Capt. Arnold, in the Town of Weymouth, on the First Tuesday of next May, July, September and November: And at the Probate Office in the Town of Boston, every Tuesday excepting the First of each Month."

The County of Norfolk was set off from the County of Suffolk March 26, 1793. Since that time the Probate Courts for the County of Suffolk have been held in Boston.

The county of Suffolk now consists of the city of Boston, the city of Chelsea, and the towns of Revere and Winthrop.

¹ In some instances it became absolutely necessary, even in the midst of the Revolutionary War, to obtain from Judge Hutchinson copies of certain of the papers and records then in his hands at Halifax. He seems to have offered no objection to this proceeding, and he continued from time to time during the whole of the war to make and attest such copies, claiming to the very last to be "Judge of Probate for the County of Suffolk in his Majestys Province of Massachusetts Bay."

In cases where attested copies were for any reason not obtained, resort was had to other expedients.

In the case of William Whitwell, of Boston, merchant, deceased (No. 15,787), whose will dated January 8, 1774, had been probated April 14, 1775, the General Court, April 26, 1776, passed the following Resolve:—

"Whereas the Records and Papers belonging to the Probate-Office in the County of Suffolk, cannot be found; and it is apprehended the same were carried off by the Enemies when they fled from Boston, and the original Will referred to in the within Petition [of William Whitwell] cannot be found: Therefore, Resolved, That the Hon. the Judge of Probate for the County of Suffolk be, and he hereby is fully authorized and impowered to grant out Letters of Administration on the Estate of the said William Whitwell, deceased, to the Petitioner, he giving Security as the Law requires for the faithful Discharge of that Trust, and that the said Judge proceed in the Settlement of said Estate, in the same Manner as in the settling of Intestate Estates, unless the Heirs shall otherwise agree, or the original Will shall hereafter be found." (Journal of the House of Representatives, 187.)

An administrator was accordingly appointed by the Revolutionist Judge of Probate and the estate was settled as if it had been an intestate estate.

In the case of Joseph Crosby, late of Braintree, Esq., deceased (No. 14,400),

The Massachusetts Archives contain the following:—

“STATE OF MASSACHUSETTS BAY
Council Chamber Dec^r 29: 1777

Whereas many Difficulties have arisen to this State for want of the Papers belonging to the Judge of Probate’s Office which were con- whose will dated January 26, 1769, had been probated March 17, 1769, the General Court appointed a committee, February 24, 1778, on the petition of Ann Crosby *et al.*, setting forth that the last will and testament with a codicil of said Joseph, together with the record of the same was “carried off by Foster Hutchinson Esq. late judge of probate for the County of Suffolk, when he fled with the British troops from Boston in the Year 1776; & that no attested copy thereof is left in the hands of any person within this State; & therefore praying that an unattested Copy of the same, to this court exhibited, might be authenticated & made valid in law; which copy being made to appear to this court to be a true & correct one,” etc. etc. This committee was instructed to consider the petition, to hear the parties, and to report thereon. (Mass. Archives, CCXVII. 192 *et seq.*)

In the case of Robert Ford, late of Boston, mariner, deceased (No. 14,193), whose will dated November 29, 1765, had been probated February 26, 1768, “as the original will & Probate Records are Carried off to Halifax & Cannot be Procured,” the General Court on petition of William Winter, passed a Resolve October 6, 1779, confirming a copy of said will as the last will of said Robert Ford and authorizing the Judge of Probate to grant administration with the will annexed, “the Executors named in said Will being Dead & the Estate unsettled.”

This copy bore the following attestation: “The above & foregoing are true copies of the Will of Rob^t Ford late of Boston Mariner dec’d and also of the Inventory of the said dec’d^s Estate extracted from the Records of the Court of Probate for the County of Suffolk, in his Majesty’s Province of Massachusetts Bay

Attest
HALIFAX 14th Sept 1779

FOSTER HUTCHINSON
Judge of Prob^t for s^d County ”
(Mass. Archives, CCXXIV. 332.)

In the case of Thomas Child, late of Boston, distiller, deceased, intestate (No. 9,937), letters of administration were issued January 30, 1752, and a partition of his real estate was made March 22, 1754. The copy of this partition was thus certified:—

“NOVA SCOTIA
The Subscriber Judge of Probate of Wills &c for the County of Suffolk in his Majestys Province of Massachusetts Bay certifys that the Division or Partition of the Estate of Thomas Child deceas’d contain’d in the six foregoing Pages is a true & faithfull Extract from the Probate Register of the aforesaid County of Suffolk

FOSTER HUTCHINSON.

HALIFAX 15th June 1780 ”

(Mass. Archives, CCXXXIV. 495-501.)

In the case of Robert Jenkins, late of Boston, merchant, deceased (No. 15,525), whose will dated November 26, 1773, had been probated December 10, 1773, the original will being in the possession of Foster Hutchinson, the General Court, on petition of John Jenkins, the son of said testator, passed a Resolve July 1, 1782, directing the Judge of Probate to allow and approve a copy of said will which was established as the last will and testament of said Robert Jenkins (Mass. Archives, CCXXXVI. 132-136; Supplement to Acts and Resolves of Mass., I. 123). Letters of administration with the will annexed on his estate were issued April 18, 1782, to John Jenkins, of Providence, Rhode Island, merchant.

veyed from Boston to Halifax by Foster Hutchinson Esq late Judge of Probate for the County of Suffolk

Ordered — That the Honble Thomas Cushing Esq. be and he hereby is desired to write a Letter to Foster Hutchinson Esq. representing the Inconveniences this County labours under for want of said Papers and to desire him to deliver them to John Brown Comander of the Cartel Brig^t Favourite addressed to the Care of the said Tho^s Cushing Esq Judge of Probate for said County in Order that they may be lodged in the Probate Office in Boston for the Benefit use and Relief of the Poor Widows & Orphans to whom they more imediately relate —

Read & Accepted

JN^o AVERY D^r Secy.”¹

But if such a letter were written it proved of no avail, for long after the war had been brought to its close, the General Court, February 13, 1784, passed the following Resolve :² —

“ Resolve requesting the Governor to take measures for recovery of Records of Probate Office, *Suffolk* County said to be in possession of *Foster Hutchinson*.

Resolved, That the Governor of this Commonwealth, be requested to take such Measures for the Speedy Recovery of the Records of the Probate Office, of the County of *Suffolk*, said to be in the Possession of *Foster Hutchinson* Esq, of *Halifax*, as he may judge necessary.”

In compliance with this Resolve, Governor Hancock secured the services of Benjamin Kent,³ a member of the Suffolk Bar, who proceeded to Halifax on this most important mission.

¹ Mass. Archives, CLXVIII. 118.

² Acts and Resolves of Mass., Chap. 54, 1782-3.

³ Benjamin Kent, son of Joseph Kent, of Charlestown, was baptized June 13, 1708, at the First Church, Cambridge. He was graduated at Harvard College in the class of 1727. Among his classmates was Governor Hutchinson. He was ordained in 1733 a minister at Marlborough, but doubts arising as to his orthodoxy, a council convened in 1735 found him unsound in the faith. He afterward removed to Boston, studied law and became a barrister, noted for his wit and eccentricity. He married in Chelsea, November 6, 1740, Elizabeth Watts. She was the daughter of Samuel Watts, of Chelsea, and was baptized there September 16, 1722.

Under date of 1758, John Adams, then a young lawyer just entering upon the practice of the law in Boston, says: —

“ Rode to Boston . . . went into the court house and sat down by Mr. Paine, at the lawyers' table. I felt shy, under awe and concern; for Mr. Gridley, Mr. Pratt, Mr. Otis, Mr. Kent, and Mr. Thacher, were all present, and looked sour.” And at a later date: —

“ Kent is for fun, drollery, humor, flouts, jeers, contempt. He has an irreg-

The following letter¹ written by him to Governor Hancock tells of its success: —

ular, immethodical head, but his thoughts are often good, and his expressions happy."

At the meeting of the bar at the Bunch of Grapes Tavern January 3, 1770, Benjamin Kent presided, he being the eldest barrister-at-law then present.

He took an active part in the affairs of the town, served on many important committees, and was chosen Moderator of various town meetings. His political opinions seem to have occasioned some discussion.

He wrote from Boston, April 24, 1776, to John Adams, then in Philadelphia, complaining of the hesitancy and delay of the Continental Congress: "What in the name of *Common Sense* are you Gentlemen of the Continental Congress about?" "the present time to make a final Declaration of Independence is the best." In his reply Mr. Adams said, "You cannot make thirteen clocks strike precisely alike at the same second."

He was appointed, December 4, 1776, one of the committee to petition the General Court in relation to the quota of the Town of Boston of men "this State is to raise, for the Continental Army," and, March 14, 1777, one of the committee concerning the "persons resorting to, or residing in the Town, who are justly suspected of being inimical to the American States."

Notwithstanding this, Sabine asserts that he was a Loyalist and says: "To the gentlemen who have suggested that the subject of this notice was not a Loyalist, I return my warm thanks for the endeavor to correct an inaccuracy in this work; but the name was not inserted in the first edition without thought, and is retained now, after due consideration of the circumstances to which my attention has since been kindly directed."

The Town, County, and State Records and the Record Book of the Suffolk Bar all show that he remained here during the Revolutionary War. He was present for the last time at the meeting of the bar held April 20, 1784, and it was not until May 7, 1784, as his own account shows, that he sailed for Halifax, where his youngest daughter Sarah, wife of Sampson Salter Blowers, a Boston Loyalist refugee, — afterward Chief Justice of the Supreme Court of Nova Scotia, — was then living.

In a deed dated April 15, 1785, he describes himself as "Benjamin Kent of Boston in New England Esquire now residing at Hallifax in Nova Scotia," and he recites that he intends shortly to make a visit to Boston and to leave in Halifax his wife Elizabeth and his daughters Elizabeth Kent and Sarah Blowers. He mentions his "son Benjamin, if living." This deed was acknowledged April 30, 1785, in Boston. But his stay here was of short duration, and he returned to Halifax. The inscription on his tombstone in St. Paul's Cemetery, Halifax, shows that he died, October 22, 1788, in the eighty-first year of his age, his widow Elizabeth dying August 2, 1802, in the eightieth year of her age.

The house in Boston where Benjamin Kent lived for many years, first as tenant and afterward as owner, stood on the north side of King Street, now State Street, next to the corner of Wilson's Lane and directly opposite the Town House. It was of brick, and his next-door neighbor on the west was William Story, whose house was attacked during the Stamp Act riots, as has been before related (*ante*, p. 110). After Benjamin Kent's decease, his widow and daughters conveyed the house and land by deed dated May 26, 1793, executed at Halifax, to William Burley, of Boston, merchant.

When Devonshire Street was extended through Wilson's Lane in 1872, the

¹ Senate Document, 156.

" HALIFAX Nov^r 9th 1784.

SIR,

After a tedious negociation & more Trouble than you can imagine, I have received seventy two books (I think N^o. 13, being wanting) with a parcell of loose papers which are packed now in a box marked S.S.B. & also four boxes of papers which I have not seen having received them packed as they are now sent — These M^r Hutchinson who delivered them says, are all he has had of the Probate Records — The Office Seal he has not Delivered — You will be so good as to direct the receipt of them to be acknowledged & to pay to M^r Tudor who is my attorney at Boston whatever you may think an adequate compensation for my trouble & the expence of Packing, Truckage &c paid here

I have the honor to be

Your Excell^{ys} Most Obed^t Serv^t

BENJ^N KENT."

He seems to have had the co-operation of Governor Parr, of Nova Scotia, as appears from the next letter :¹ —

" HALIFAX 12th Nov^r 1784.

SIR

I should have done myself the honor of Answering your Excellency's letter long ere this, but delayed from day to day untill I could get the records of Probates out of M^r Hutchinson's hands, he has at last delivered them to M^r Kent who forwards them to Boston by this Conveyance — If any should be wanting, you will be pleased to inform me —

I have the honor to be, Sir

Y^r Excell^{ys} Most Obed^t & most humble Servant

J. PARR.

His Excellency Gov^r HANCOCK."

whole of the estate on the corner of Wilson's Lane and State Street and all but a strip about five feet wide of the Kent estate were included in the new street. Part of the new Devonshire Building now covers the site of the Story house and the narrow strip which was all that was left of the Kent estate.

(Authorities: Wyman's Genealogies and Estates of Charlestown, II. 572; Hudson's History of Marlborough, 122-125; Life and Works of John Adams, II. 45, 75, 291 n., IX. 401; Record Book of the Suffolk Bar, 1 Proc. Mass. Hist. Soc., XIX. 147-159; Boston Town Records, VI. 97, 111; Sabine's Loyalists of the American Revolution, I. 600; Briggs's Kent Genealogies, 38; Suffolk Deeds, Lib. 148, fol. 190, Lib. 178, fol. 187, Lib. 1115, fol. 184; Acadian Recorder of Halifax, N. S., February 21, 1902. There is a typographical error in the copy of the inscription on his tombstone, as printed in the Acadian Recorder. Benjamin Kent died October 22, 1788, as before stated.)

¹ Senate Document, 156.

The Massachusetts Archives contain also the petition¹ of Benjamin Kent for compensation for these services: —

“Commonwealth } To the Hoñble the Senate & the Hoñble the
of Massachusetts } House of Representatives in General Court
assembled at Boston Feb^y 1785 —

Most humbly sheweth

Benjamin Kent of Boston in the County
of Suffolk —

That by the Request of his Excellency the late Governor of this Commonwealth he took upon him the Care of procuring & transmitting certain Papers belonging to the Probate Office with the Records of the same, which were carried away by the late Judge Hutchinson on the Siege of Boston being raised in the Year 1776 from a full assurance from his Excellency that all the Costs & expences arising therefrom should be punctually defrayed —

That Your Petitioner after many tedious conferences with M^r Hutchinson now resident at Hallifax & his Excellency Governor Parr at last effected a Restoration of Seventy two Books of Record with all the Papers in the hands of the s^d Hutchinson belonging to said Probate Office which were transmitted to his Excellency the late Governor Hancock & as your Petitioner humbly conceives it to be a Govermental Charge he most earnestly requests Your Honors to grant him such Compensation as your Honors shall esteem just for his Trouble services & Expence as aforesaid

And Your Petitioner as in Duty bound

Shall ever pray —

BENJ^A KENT ”

The bill² accompanying this petition is as follows: —

“The Commonwealth of Massachusetts

	To	Benj ^A Kent.	De ^s
1784 } 7 May }	{ To my Passage to Hallifax at the Request of his late Excell ^y John Hancock Esq ^r to collect the Records of the Probate Office for the County of Suffolk carried away by the Enemy in the Month March 1776	{ 3 .. 12 .. —	
30 th Sep ^r	{ To my Time & Attendance in soliciting for & procuring the above Records of Foster Hutchinson Esq ^r being 5 months @ 6£ p ^r month	{ 30 .. —	

¹ Mass. Archives, House Document No. 1781.

² *Ibid.*, No. 1731.

15 Dec^r To 4 large Boxes & packing the
above Records therein & Truckage
of the same from M^r Hutchinson's
to the Vessel in which they were
brought to Boston. 4 : 16. —
£38 .. 8 ..

BOSTON 25th June 1785

Errors excepted

BENJ^A: KENT”

This bill, which seems to be a just and moderate one, was not readily collected, and the proverbial ingratitude of Republics was again exemplified by the action of the Committee of the Representatives.¹ For the return of these priceless records and files, whose value can scarcely be computed in money, these Boëtian lawmakers purposed to award the munificent sum of £15!!

Thus after an exile of nearly nine years, since that fateful day in March, 1776, when the fleet set sail for Halifax, the records and files of the Probate Court were returned to their proper place in the Brick Court House in Queen Street.

Ten years later, in 1794, Thomas Pemberton thus describes this Court House:²—

"It is a large handsome building of brick, three stories high, and has on the roof an octagon cupola. The lower floor is used partly for walking, and has on it the Probate office and the office of the County Register of Deeds."

Another new Court House³ of stone was erected in 1810 on

¹ On the petition of Benjamin Kent "setting forth that, att the Request of the Late Gouernor of the Commonwealth, he had been att sum Trouble and Expence in procuring and Conveying the Books and papers belonginge to the probate office of the County of Sufolk — Which ware Carried to Halifax — Tharfore — Resolved that the Treasurer of the Commonwealth be and hearby is ordered and Diracted to pay to the Said Benj: Kent the Sum of fifteen pounds in full Discharge of all accounts for his Service aforesaid." (Mass. Archives, House Document No. 1938; Report of Committee House of Representatives, June, 1785.)

Several of the volumes of the records in the Probate Office contain entries relating to the return of the books from Halifax. *Vide inter al.* LXXV. 43, 63; LXXVI. 250, 316, 645; LXXVIII. 161, 659, 664; LXXIX. 47, 195, 198; LXXX. 282, 355, 356, 553, 554; LXXXII. 120.

² 1 Mass. Hist. Soc. Coll., III, 253.

⁸ In the Proceedings of the Massachusetts Historical Society (2 Proc. Mass. Hist. Soc., XIV. 97), and in the Introduction to Lib. XI. of Suffolk Deeds, I have given a description of these various Court Houses. As the Registry of Probate

land between Court Street and School Street, and the Probate Office was thereupon removed to that building, where it occupied the lower floor of the western wing, the Registry of Deeds being on the lower story of the octagon centre.

When the Courts removed in 1836 from this stone Court House to the new stone Court House in Court Street — now called the Old Court House — the Probate Office and Registry of Deeds remained for a time in the former building.

But the petitions of the Judge of Probate and the Register of Deeds for a separate fire-proof building were finally granted, and July 1, 1839, the order¹ for its erection was passed.

This new building was of brick. It stood in Court Square, directly in the rear of the building of the Massachusetts Historical Society on Tremont Street, and its southerly windows overlooked the King's Chapel Burial Ground.

The Probate Court occupied the lower floor, which was divided by the entry into two small rooms, one for the Judge and one for the Register, while beyond a larger room, "contrived a double debt to pay," served alike for an office where the records were kept and a court room where the sessions of the Probate Court were held.

Those who then had occasion to consult the Probate Records did well to choose carefully a time when the court had adjourned for the day or was not in session.

For on a court day, especially if a case of unusual importance, or one which had attracted much attention, was being heard, the court room was crowded, all the available space being taken up by Judge, Register, lawyers, clients, witnesses, and the general public. These monopolized not only all the space, but practically all the light, as the windows were on the side where the Judge sat, the record books being kept in cases on the dark side of the room, remote from the windows. In summer, when the trees in the King's Chapel Burial Ground were in full foliage, the light that filtered through their leaves was certainly dim if not religious.

Under such disadvantages the members of the bar were compelled to carry on their investigations in the Probate Office.

and Registry of Deeds, since the erection of the County Court House, have always been under the same roof, it is unnecessary to repeat what I have there said, and the reader is referred to that paper for a more detailed account of them.

¹ City of Boston Records, Mayor and Aldermen, XVII. 248.

It will seem hardly credible to the lawyer of to-day that, down to a time comparatively so recent as thirty years ago, such utterly inadequate accommodations were afforded his predecessors in a city of the size and importance of Boston.

But if the lawyer of to-day finds it difficult to believe that the office accommodations were so meagre, what will he say when he learns that in those days the court had no docket and had never had any; that the files were inaccessible and could not be consulted; and that the records had no index—or at least not anything deserving the name of index, the antiquated “alphabets” then in use being an aggravation rather than an assistance!¹

But the condition of the files forms the weightiest count in the indictment of the system—or want of system—that then prevailed.

These original papers, many of which had never been recorded, were tied in bundles and thrown up on top of the cases in which the record books were kept. There they remained, covered with dust, unseen by mortal eye, untouched by mortal hand, since the day when they were first so unceremoniously “skyed.” In some of these packages papers having no relation to each other and separated in date by one hundred and fifty years were afterward found side by side.

This administrative chaos, too long submitted to in silence, at last aroused the lawyers and others who suffered most inconvenience from it. The result of their efforts was that the Judge and Register of Probate, May 18, 1868, and January 11, 1869, petitioned² the Board of Aldermen acting as County Commissioners for the County of Suffolk “for the classification and preservation of the Probate papers”; and the Committee on County Accounts were authorized, June 8, 1869, to contract with some suitable person to arrange and classify the papers and indices in the Probate Office.

Judge Edwin Wright was selected to carry out this order, but after he had spent more than two years over the Probate papers, dissatisfaction was caused by the slow progress of the

¹ On the petition, October 18, 1873, of the Judge of Probate, an order was finally passed, January 1, 1874, for a Classified Index to the Probate Records from 1638 to 1870 inclusive. (City Council Minutes, Board of Aldermen, A.D. 1873, pp. 418, 565, 567).

² City of Boston Records, Mayor and Aldermen, XLVI. 492, and City Council Minutes, A.D. 1869, p. 5.

work, and Daniel S. Gilchrist¹ was chosen to finish what had been begun.

This great undertaking was brought to its close in 1876. It effected a complete transformation in the Probate Office. Chaos gave place to order and system, and the vast mass of documents comprising the Suffolk Probate files and records became for the first time accessible to the investigator.²

¹ 2 Proc. Mass. Hist. Soc., XIV. 87, and Introduction to Liber XI., Suffolk Deeds.

² The system by which all this has been accomplished certainly deserves a word of explanation here.

The contents of the Registry of Probate may be considered, for the purpose of this description, as divided into four classes, the Index, the Docket, the Records, and the Files.

The Index contains the names of all persons whose wills have been probated, or whose estates have been administered upon, using the word "administration" here in its broadest sense. This Index is not a mere "alphabet." It is admirably arranged according to Christian as well as surnames; briefly sets forth the nature of the case (i.e. whether a testate or intestate estate, guardianship, trust, etc.); gives the year in which the proceedings were begun; and points out the number under which the case is entered on the docket. Any name in it, from 1636 down to the present year, can be found in an instant, as readily as in a city directory.

Having thus by means of the Index ascertained the docket number, we turn to the Docket. This is an entry book, or chronological arrangement of cases, more than 120,000 in number, and gives us at a glance the title of all the papers filed or recorded in each case; the date of such filing; and the volume and page of the record books where such of the instruments as have been recorded in extenso may be found.

The Records of the Court consist of upward of 800 large folio volumes, having, some of them, more than five hundred pages each. They contain in the words of the statute (Revised Laws, Ch. 162, § 35) all "decrees and orders, all wills proved in the court, with the probate thereof, all letters testamentary and of administration, all warrants, returns, reports, accounts and bonds, and all other acts and proceedings required to be recorded by the rules of the court or by the order of the judge."

The Files include all the original papers, recorded or unrecorded, in each case. Every paper is marked with the number of the case, and all the papers in each case are placed by themselves in a stout envelope, which has stamped upon it the number of the case, its date, and the name of the party to whose estate it belongs. By this system it is possible to find in a moment, not only the record of every will, but the will itself, and every paper, however unimportant, which has ever been filed in the Probate Office.

It depends, of course, on the nature of a case how many papers are filed in it. In large and complicated estates, where considerable sums of money are involved, especially where the property is held for many years in trust, the number is naturally greater than in the smaller and less important ones. It is not easy, therefore, to determine just how many documents the Probate Office contains, but, at the present rate of increase, there will soon be, in all probability, not far from a million of them. And yet any one of these million papers can be found in an instant, so admirable is the arrangement. It is in fact much simpler than

The condition of the records during the Provincial period is shown by the petitions of Judge Hutchinson and John Payne, to which reference has already been made. Further evidence, if any is needed, is found in the fact that when Mr. Gilchrist's work was completed and the files were systematically arranged, thirty-two thousand seven hundred and five papers of a date prior to A.D. 1800 were found which had never been recorded, among them no fewer than two hundred and eighty wills. In six hundred and sixty-nine cases, prior to that date, which now appear on the dockets, not a single paper filed in those cases had ever been recorded, so that not even the names of the parties, or the fact that such persons ever lived, could have been known to one who consulted the records.¹

The value of an examination of title to lands at a time when real property changed hands, by purchase, much less frequently than now, often remaining in the same family for generations, when the greater part of such an examination must necessarily have been made in the Probate Office, may be left to the startled conveyancer to determine.²

An enlargement of the Probate Office was made by the lease³ to the City of Boston, January 1, 1873, of part of the this description of it, and should be seen in its actual working to be understood and appreciated.

This system, first introduced in the County of Suffolk, has since been adopted by other Registries of Probate. (*Cf.* New England Historical and Genealogical Register, XXXVIII. 181.)

¹ *Cf. Ibid.* XXXIV. 45-48.

² During the term of office of the present Register, Elijah George, and largely due to his efforts and zeal, many improvements have been made in the Probate Office. He has caused to be recopied several of the earlier volumes of the records, which were fast falling into decay, while the papers left unrecorded, by the neglect of his predecessors in office, are now at last, under his direction, being duly recorded.

But perhaps what is best appreciated by the general public is the printed index; for the County of Suffolk is the first in this Commonwealth to provide the searcher of the probate records with a printed index to guide him in his investigations.

It is in three large quarto volumes, printed in large, clear, and handsome type on paper made expressly for the purpose, and covers the period from 1636 to 1893 inclusive. It is a complete key to 94,757 cases shown on the docket.

The superiority of the printed page over the page written by hand is well exemplified by this Index. It is a foretaste of what is to come when, in the progress of the age, manuscript indices in all public offices shall give place to printed volumes. The advantages are obvious and need not be recited here.

³ City Council Minutes, A.D. 1871, pp. 212, 218, 221, A.D. 1872, pp. 46, 253, 254, 261; 2 Proc. Mass. Hist. Soc., III. 293, XI. 310.

building of the Massachusetts Historical Society. A new room thus acquired, extending to Tremont Street on the lower floor of that building, then became the Probate Office, and the records and files of the court were there placed, while the old office was, from that time, used exclusively as a court room.

These additional accommodations gave temporary relief, but they were soon outgrown, and on the erection of the last new Court House in Pemberton Square, the Court and Registry of Probate were, in September, 1893, removed to that structure.

Remarks were also made during the meeting by the PRESIDENT and by Messrs. MORTON DEXTER, ALBERT B. HART, EDWARD CHANNING, DANIEL H. CHAMBERLAIN, BARRETT WENDELL, CHARLES E. NORTON, and CHARLES C. SMITH.

A new serial of the Proceedings, containing the record of the January and February meetings, was on the table for distribution to the members.